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Algeria

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Introduction

1. In recent years Algeria has been engaged in an inclusive, transparent review process focusing on the consolidation of the rule of law, good governance, human rights and human development.

2. Because this reform effort is so wide-ranging, existing legislation and regulations have had to be reformulated. The culmination of this initiative was the amendment of the Constitution, following extensive consultations, on 7 February 2016.

3. These amendments attest to the Government's desire to promote universally recognized human rights in an effective manner.

4. This review process paves the way for the population's broader involvement in public affairs, improved quality of life and streamlined access to government services.

I. Methodology and consultation

5. This report is submitted pursuant to United Nations General Assembly resolution 60/251 of 15 March 2006 and paragraph 15 (a) of Human Rights Council resolution 5/1 of 18 June 2007. It has been prepared in accordance with the general guidelines for the preparation of information under the universal periodic review (decision 17/119).

6. The report draws on the periodic reports submitted by Algeria to various international and regional human rights mechanisms and on the two national reports submitted in 2008 and 2012 regarding the steps taken in follow-up to the universal periodic review process.

7. The drafting of this report was undertaken following numerous consultations by a multisectoral working group coordinated by the Ministry of Foreign Affairs.

8. A number of consultative bodies also contributed to the report, including the High Commission for Amazigh Affairs, the National Economic and Social Council, the High Islamic Council and the National Consultative Commission for the Promotion and Protection of Human Rights.

9. Representatives of civil society that are active in the field of human rights were invited to take part in the preparation of this report.

II. New developments since the previous review

10. Algeria continued to pursue the institutional, political and socioeconomic reform process which was launched in 2011 and which culminated in the constitutional amendments that were adopted on 7 February 2016.

A. The constitutional review process

11. The amendment of the Constitution was the result of an inclusive review process in which the views of politicians, associations, consultative bodies, prominent national figures, opinion makers and religious leaders served as inputs for the formulation of new constitutional provisions. The actual drafting of those provisions was undertaken by a committee of constitutional experts.

12. Innovative measures in the sphere of human rights include the following:

(a) The establishment of the Tamazight national language as an official language;

(b) The introduction of an entrenched provision that limits the number of terms that a president may serve to two;

(c) Promotion of participatory democracy at the local level;

(d) Reinforcement of the role of the parliamentary opposition;

(e) Steps relating to the objective of achieving gender parity in access to employment and in the sharing of responsibilities;

(f) The improvement of custodial conditions and limitation of the use of pretrial detention;

(g) The introduction of mediation procedures for minor offences and of a system of appeal courts for criminal matters;

(h) The reaffirmation of the gravity of the crime of torture;

(i) The introduction of the right to lodge a challenge on the basis of unconstitutionality;

(j) The introduction of provisions which establish that citizens' rights cannot be restricted except by a reasoned court decision;

(k) The protection of personal data;

(l) Recognition of the right to peaceful demonstration;

(m) Consolidation of guarantees for freedom of the written, broadcasting and electronic press and of its freedom from censorship;

(n) The establishment of child protection services and services for persons with disabilities and the prohibition of child labour;

(o) The establishment of the right to culture and guarantees for the exercise of academic freedom and the freedom to engage in scientific research and innovation;

(p) Recognition of the freedom to engage in investment and commerce and consumer protection.

B. Institutional mechanisms

Reinforcement of the role of the parliamentary opposition

13. The revised Constitution grants new rights to political parties that will revitalize their role in political affairs.

14. It strengthens the role of the parliamentary opposition by granting it rights that will enable it to play a meaningful role in political affairs by means of the following:

(a) Effective participation in legislative work and in the monitoring of government action;

(b) Appropriate representation in parliamentary bodies;

(c) Eligibility for the financial support provided to elected members of parliament;

(d) Participation in parliamentary diplomacy.

15. Parliament holds a meeting each month to consider an agenda presented by one or more opposition groups in the legislature. Any group of 30 members of the opposition in either house of parliament has the right to formally submit questions, either orally or in writing, to the Government, which must reply within 30 days.

16. Parliamentary approval is required for the ratification of certain types of treaties, conventions and agreements. Those requiring such approval are listed in the Constitution.

17. The principle that the media should be open to the opposition is laid down in the revised Constitution. The law establishes that the amount of public air time to be given to political parties is to be proportionate to their level of national representation.

Consolidation of the independence of the judiciary

18. The independence of the judiciary has been strengthened further each time the Constitution has been amended. The amendments adopted on 7 February 2016 introduce a number of new guarantees.

19. The High Council of the Judiciary is presided over by the President of the Republic and is composed primarily of jurists. The Council enjoys administrative and financial autonomy and takes decisions regarding the progress of the careers of members of the judiciary. Under the chairmanship of the First President of the Supreme Court, it verifies compliance with the Judiciary Organization Act and plays a role in disciplinary matters.

Reinforcement of the Constitutional Council's autonomy

20. The Constitutional Council is an independent institution that enjoys administrative and financial autonomy. It is its job to ensure that all laws, treaties and regulations are in accordance with the Constitution. It is also responsible for ensuring that elections are conducted properly. Its opinions and decisions are binding upon government, administrative and judicial authorities.

21. Its 12 members serve for a single, non-renewable eight-year term.

22. At the request of the President of the Republic, the Constitutional Council issues binding opinions regarding the constitutionality of institutional laws. The Chair of the Council of the Nation, the President of the National People's Assembly, the Prime Minister, any group of 50 members of the National People's Assembly or any group of 30 members of the Council of the Nation may refer matters to the Constitutional Council.

23. In addition, an appellant whose case is dismissed by the Supreme Court or the Council of State may lodge a constitutional challenge with the Constitutional Council.

Establishment of the High Independent Authority for Elections Oversight

24. The High Independent Authority for Elections Oversight is a new mechanism tasked with ensuring the transparency and impartiality of elections.

25. It is responsible for overseeing the review of electoral lists and ensuring an equitable distribution of campaign funding among the various candidates. It ensures that election materials are available, that the opening and closing hours of polling stations are respected and that candidates are able to exercise their right to be present at the polls.

26. It is authorized to report any violation of the standards established for the broadcast media to the corresponding regulatory agency so that the necessary action may be taken.

27. If the Authority determines that any such violation or any matter that has been referred to it is of a criminal nature, it informs the corresponding public prosecutor.

28. The Authority is composed of 410 members. Half of them are jurists, while the other half are independent experts drawn from civil society. The Authority has a 10-member board and may deploy its members as soon as a writ for elections has been issued. The members then set up local offices in the country and, as necessary, abroad.

Establishment of the National Human Rights Council

29. The National Human Rights Council, whose establishment is provided for in the Constitution and in Act No. 16-13 of 3 November 2016, is an independent agency attached to the Office of the President of the Republic.

30. The Council has legal status and financial and administrative autonomy. It works to promote and protect human rights and is responsible for monitoring and for early warning procedures and human rights assessments.

31. Its 38 members are chosen for their demonstrated qualifications, integrity, expertise and commitment to human rights and are drawn from civil society, associations, and professional and trade union organizations, as well as from parliament. The President of the Council is elected by his or her peers and serves a four-year term, with two-term limit.

32. The Council submits an annual report to the President of the Republic, the Prime Minister and parliament and ensures its dissemination.

Establishment of the Office of the National Child Protection Ombudsman

33. The establishment of the Office of the National Child Protection Ombudsman is provided for in Act No. 15-12 of 15 July 2015. This new national office is attached to the Office of the Prime Minister, and its incumbent is entrusted with coordinating all matters relating to children, bringing issues falling within his or her mandate to the Government's attention and making recommendations regarding such issues.

34. The National Ombudsman is tasked with promoting children's rights and, to that end, setting up and regularly evaluating national and local programmes for the protection and promotion of the rights of the child.

Establishment of a regulatory authority for the broadcast media and a provisional committee to issue press credentials and passes

35. The Information Act (Act No. 12-05) provides for measures that will put an end to the monopoly on broadcasting and ensure greater equity and transparency in the award of broadcasting frequencies and licences. It also provides for the establishment of an independent regulatory agency to oversee the broadcasting industry.

36. The Broadcasting Act (Act No. 14-04) specifies the duties, powers, composition and modes of operation of this autonomous agency and establishes that it is to be fully independent in the performance of its tasks.

37. The establishment of this authority in June 2016 constitutes an important step towards demonopolizing the broadcasting industry and ensuring the free exercise of broadcasting activities.

38. For the convenience of information professionals, in July 2014 a provisional joint committee was set up to draw up the lists of journalists, issue press cards and make preparations for the general assembly that will set up the standing national committee that will take over its tasks.

III. Promotion and protection of human rights on the ground

A. Updating legislation on rights and freedoms

39. The reform process that began in the 2000s has resulted in a number of developments since 2012:

1. Amendment of the Electoral Code

40. The Institutional Elections Act (Act No. 16-10) of 25 August 2016 offers an opportunity for political parties to strengthen their role in political affairs and to create a framework within which elections will become the crowning achievement of ongoing political party activity.

41. In addition to consolidating the oversight mechanisms for use at all stages of polling operations, this law ensures total transparency in the regulation of polling stations and the arrangements for making electoral lists available to candidates and political parties. This will allow them to enter challenges in the ballot paper accounts at the level of each polling station, to receive authentic copies of the results and to lodge appeals with the competent authorities.

42. The new Electoral Code streamlines the procedures involved in standing for election at the local and legislative levels by authorizing the acceptance of a sworn statement, rather than requiring the submission of written records, reducing the number of signatures required and more closely regulating campaign spending limits.

2. Reinforcement of citizens' rights and guarantees

Police custody

43. Ordinance No. 15-02 of 23 July 2015 modifies the rules governing situations in which persons are held in police custody and strengthens pre-existing measures for protecting the rights of such persons.

44. Under the new provisions, persons in police custody are entitled to be visited by their legal counsel, and foreign nationals in police custody may contact their employer or the diplomatic or consular representatives of their country and may also have the assistance of an interpreter.

45. The above-mentioned rights are posted in a national language and in French on a sign placed at the entrance to the duty room in all police detention facilities.

Pretrial detention and the presumption of innocence

46. The rules and conditions under which pretrial detention may be ordered have been made more stringent. The grounds for ordering pretrial detention (which is already used only in exceptional cases), its duration and its extension are defined by law.

47. Ordinance No. 15-02 reaffirms the prevailing general rule that a person charged with an offence should remain at liberty while the investigation is being carried out. A judge may order pretrial detention only if there is no other way of making sure that the accused will appear in court, ensuring his or her protection or preserving evidence or if it serves to stop or prevent the accused from offending or averts the risk of conspiracy among accused persons and accomplices that could interfere with the establishment of the truth.

48. In order to ensure that pretrial detention is used only as an exceptional measure, the law delineates the conditions under which recourse to such detention may be had and encourages the use of non-custodial measures. If those measures are insufficient to ensure that the accused will appear in court, the judge may resort to the use of detention on remand under the applicable provisions, which require the investigating judge to notify the accused of the grounds on which that order is based; in such cases, the accused has the right to challenge that decision on appeal.

49. Pretrial detention cannot be ordered in cases involving offences punishable by less than 3 years' imprisonment unless the accused provides no assurances that he or she will appear in court when summoned or if the offence has involved a person's death or seriously disrupted the public order. Pretrial detention is subject to a four-month limit; this period can be renewed once for cases involving minor offences, twice for cases involving serious offences and three times for cases involving offences that are punishable by 20 years' imprisonment or more, life imprisonment or the death penalty.

50. The new law facilitates the use of a simplified procedure involving an immediate appearance in court instead of the *flagrante delicto* procedure. This has led to a reduction in the number of cases of pretrial detention.

51. The introduction of provisions allowing for the use of electronic bracelets and for the use of community service arrangements adds to the array of non-custodial measures that can be used by the courts. In the case of non-nationals, release on bail is also a possibility.

The criminalization of violence against women

52. The amendments to the Criminal Code introduced under Act No. 15-19 include the introduction of new provisions under which specific types of acts that constitute an affront to the dignity of women or that cause them physical or psychological harm are defined and characterized as criminal offences.

53. Marital violence, physical violence, assault, repeated verbal or psychological violence, abandonment of the family, accosting a woman in public, any indecent assault by means of an act, gesture or word, an act of aggression conducted by means of surprise, violence, coercion or threat constituting an assault on a woman's sexual integrity, and

sexual harassment by means of any act, use of language or sexual insinuation are all severely punished by law.

54. Prison sentences are provided for if the offence is committed in the workplace under aggravating circumstances (the victim is under 16 years of age, the offender has taken advantage of the victim's vulnerability, ill-health, infirmity or physical or mental impairment or the victim is pregnant or if the offence is committed in the presence of minors or the victim is threatened with a weapon).

55. In order to safeguard the dignity and meet the material needs of divorced women who are living in difficult circumstances or who have custody of their minor children, new provisions have been introduced under which material and financial assistance in the form of alimony and child support will be paid out of a special fund established under Act No. 15-01 of 4 January 2015.

Decriminalization of management and press offences

56. In cases involving corporate management actions that have entailed the theft, misappropriation or damage or loss of public or private funds, amendments to the Code of Criminal Procedure introduced under Ordinance No. 15-02 restrict the public right of action by making its exercise contingent upon the filing of a complaint by a corporate body.

57. This releases managers from managerial constraints and allows them to act more freely. From now on, it will be the responsibility of corporate bodies, such as the board of directors or the general meeting of shareholders, to lodge a complaint if managers or administrators commit an offence.

58. The revised Constitution stipulates that press offences are not punishable by a custodial penalty.

Child protection

59. Act No. 14-01 of 4 February 2014 introduced provisions setting forth the legal characterization of such offences as using a child to beg, kidnapping and sexual assault of a minor. It also sets the age of criminal responsibility at 10 years and indicates that a child under 13 years of age may be subject only to rehabilitation measures or, in matters involving minor offences, a reprimand. Minors between the ages of 13 and 18 are subject to protection or rehabilitation measures or, as appropriate, reduced penalties.

60. The Child Protection Act (Act No. 15-12) of 15 July 2015 covers all minors in conflict with the law.

61. This law guarantees protection for children from any form of prejudice, neglect, violence, ill-treatment, exploitation and any type of physical, moral or sexual assault. To this end, it sets out appropriate measures for safeguarding their rights during emergency situations, disasters, war and other forms of armed conflict. It also provides for measures to protect children from the media in order to shield them from any influence that could undermine their physical or mental well-being.

62. Any minor being held in custody must be held in an appropriate facility in conditions that uphold the minor's human dignity and that are in keeping with the specific character and needs of children. Any interviews of child victims of sexual assault must be taped, and psychological assistance must be made available during such meetings.

B. Human rights awareness-raising, dissemination and training

63. The various training programmes offered in the divisional units of the Ministry of Justice include modules for the initial training, in-house training and professional development of all judges and prosecutors.

64. Security services and the prison service also include instruction in human rights in the training that they provide to their officers and sub-officers and to law enforcement officers.

65. In the fulfilment of its mandate, the National Advisory Committee on the Promotion and Protection of Human Rights (CNCPPDH) has continued to provide training on a decentralized basis and has furnished human rights training in numerous regions of the country for government personnel, members of civil society and members of the media. Activities in this connection undertaken since 2012 include:

(a) The organization of workshops on the treaty bodies:

- Human Rights Committee, April 2012
- Committee on the Elimination of Discrimination against Women, Algiers, May 2012
- Committee on Economic, Social and Cultural Rights, Algiers, August
- Committee on the Rights of the Child, Constantine, April 2013
- Committee on the Elimination of Racial Discrimination, Algiers, October 2013

(b) Training for trainers on international mechanisms for the protection of women's rights, September 2012 and November 2013;

(c) Training on the rights of persons with disabilities, February, May and December 2013;

(d) Workshop on the Optional Protocol to the Convention against Torture, Algiers, February 2013;

(e) Training for members of the committee for follow-up to the recommendations of the Committee on the Elimination of Discrimination against Women, Algiers, December 2014;

(f) A training seminar for journalists entitled "The press and human rights", Algiers, April 2015;

(g) A series of training sessions on recent amendments to the Code of Criminal Procedure for staff of the Ministry of Justice, the National Security Directorate and the National Gendarmerie in a number of different provinces (*wilayas*).

C. Cooperation with human rights mechanisms

66. In 2010, the Government extended an invitation to seven human rights mandate holders, five of whom have already visited Algeria. Two of those visits have occurred since 2012:

(a) Special Rapporteur on the right to education, Mr. Kishore Singh, 24 January to 3 February 2015;

(b) Special Rapporteur on the right to health, Mr. Dainius Puras, 27 April to 10 May 2016.

IV. Follow-up to recommendations made during the preceding review

A. Recommendations noted

67. **Recommendations 5 and 6**: Algeria accepted the recommendation that it evaluate the possibility of ratifying the convention in question. That review is under way.

68. **Recommendations 12, 14, 15, 19, 22, 23 and 68**: Algeria honours its commitments. The laws adopted by parliament regarding democratic freedoms are based on international standards.

69. The adaptation of national laws is an ongoing process that is based on regular evaluations by government authorities in conjunction with the officials responsible for their application. These evaluations include the identification of good practice but focus, in particular, on detecting constraints so that they can be addressed and overcome.

70. The revised Constitution provides further guarantees for the exercise of freedom of information and freedom of expression, and custodial sentences may no longer be imposed on information professionals. The freedom to demonstrate peacefully has also been established by law.

71. See the response to recommendation 17.

72. **Recommendations 30, 83, 84 and 85**: Algeria has no laws that discriminate against any group of persons.

73. Since its independence, Algeria has repealed the discriminatory laws and regulations that existed. The principle that all citizens have equal rights and duties and that they all enjoy equal protection under the law is enshrined in the Constitution. The country's legislation, which incorporates the provisions of international conventions in large measure, is based on the principle of non-discrimination.

74. Inheritance rights are derived from the laws of Islam (sharia). They are governed in an overarching manner, with dowries and child support being payable by the husband rather than the wife. There is only a single type of case in which there is a difference in succession rights between the two sexes, but there are numerous circumstances under which women can inherit more than once while men will not inherit at all.

75. See the response to recommendations 29, 33, 34, 35, 36 and 37.

76. **Recommendations 17 and 23 (partial)**: The state of emergency was lifted for the whole of the country on 11 February 2011. The specific measures in place in the Algiers *Wilaya* are designed to protect people and their property from potential terrorist attacks, although terrorist groups in that area have been drastically reduced and contained.

77. Demonstrations and sit-ins that have prior authorization continue to be organized in Algiers by political parties and other associations, as is shown by the fact that thousands of rallies and assemblies have been held in connection with the different elections conducted in Algeria in recent years.

78. The Information Act and the Associations Act promulgated in 2012 have helped to strengthen further the realization of the right to freedom of opinion and expression and the right to freedom of association. Both of these laws are fully in accordance with international standards.

79. **Recommendations 86, 87, 88, 89, 104 and 112**: Algeria cooperates fully with the special procedures of the Human Rights Council. As part of that cooperative relationship, and in accordance with national priorities in this regard, the Government extended invitations to seven mandate holders, five of whom have already visited the country.

80. Algeria is prepared to look favourably upon any request from mandate holders for leave to visit the country and stands ready to engage in consultations with them to that end.

81. **Recommendations 90, 91 and 92**: Algeria has maintained a de facto moratorium on the application of the death penalty since September 1993 and has amended its Criminal Code to restrict the applicability of capital punishment to the most serious crimes. Terms of imprisonment have replaced the death penalty in the Criminal Code for the offences of armed robbery, trafficking in narcotics, arson, aggravated robbery, counterfeiting and smuggling.

82. Sentences imposing the death penalty are regularly commuted to life imprisonment.

83. **Recommendations 93 and 94**: In the 1990s, Algeria found itself in the midst of a security crisis brought on by terrorist attacks. In order to address that situation, Algeria chose to set up an internal mechanism to deal with the situation and to put an end to the crisis. That mechanism is embodied in the Charter for Peace and National Reconciliation, which was submitted to the people for their approval.

84. The Charter, which was adopted by referendum, is aimed at restoring peace and social cohesion and healing the deep wounds inflicted on the civilian population by terrorists.

85. As defined in the Charter, national reconciliation is not an individual process, nor is it an excuse for forgiving and forgetting and letting impunity prevail. Rather, it is a form of transitional justice adapted to the situation in Algeria.

86. It constitutes a collective democratic response intended to put an end to the bloodshed once and for all, to establish a lasting peace and, in a spirit of solidarity and pardon, to give the Algerian people hope for the future so that they can build the nation for future generations.

87. **Recommendation 107**: Algeria, like other States that share its cultural legacy, does not regard the deviant behaviour of certain categories of persons to be a human rights issue but rather a matter of personal conduct.

B. Partially implemented recommendations

88. **Recommendations 8 and 9**: Algeria is party to almost half of the international human rights instruments. It ratified the Maputo Protocol on women's rights and the African Charter on Democracy, Elections and Governance on 27 September 2016.

89. Algeria has been party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families since 2005 and is looking into the possibility of becoming a party to International Labour Organization (ILO) Convention No. 189.

90. **Recommendation 69**: The Associations Act (Act No. 12-06) consolidates the right to establish associations by providing that applications for registration must be approved or denied within a set time period, that a non-response constitutes approval, that applications may be denied only if there is an infringement of the law and that denials of applications for registration may be appealed in the courts.

91. The law does not prohibit associations from receiving funding from foreign partners. On the contrary, it encourages the formation of partnerships, so long as they observe universally accepted standards regarding the integrity of managers, financial transparency, the linkage of funding with the work of the non-governmental organization concerned, and the arrangements for tracing how funds are used.

92. **Recommendation 95**: The Government gave its approval in principle for the Working Group's visit to Algeria in December 2013. The two parties are discussing the matter in order to reach an agreement concerning the terms of reference for the visit and its timing.

93. See also the response to recommendation 86.

94. **Recommendation 105**: Prisons in Algeria are under the authority of the courts and are inspected on a regular basis by the corresponding prosecutor's office. Algerian non-government organizations, the National Advisory Committee on the Promotion and Protection of Human Rights and the International Committee of the Red Cross (ICRC) regularly visit prisons and holding facilities in police stations and at National Gendarmerie posts.

95. ICRC alone made more than 265 such visits, and its staff have held private interviews with thousands of prisoners.

1. Inspections of holding facilities

Authority	*2013*	*2014*	*2015*
Prosecution Service	9 331	9 679	9 766

2. Inspections prisons

Authority	*2013*	*2014*	*2015*
Prosecution Service	2 018	147	219
Inspector General		10 355	6 156
ICRC	16	13	12
NGOs	2 331	1 757	2 395

C. Implemented recommendations

96. **Recommendation 10**: Well before the United Nations Convention was ratified, Algeria had adopted a framework law on persons with disabilities (Act No. 02-09 of 8 May 2002). In addition, the Constitution guarantees a basic pension for life to persons who are unable to work.

97. **Recommendations 13, 16 and 20**: All the versions of the Constitution of Algeria have guaranteed the right to exercise freedom of opinion, expression and association. Specific laws governing the exercise of those rights are also in place.

98. See the response to recommendation 25.

99. **Recommendation 18**: The measures introduced in connection with the state of emergency were discontinued well before 9 February 2011. The action taken in that respect included the lifting of the curfew, the closure of administrative security camps and the revocation of house arrest orders. The series of legal provisions introduced in 1992 have gradually been lifted, amended and/or adapted.

100. **Recommendation 21**: There are no prisoners of conscience in Algeria. In addition, the new Information Act, which was adopted in the course of the legislative reform effort pursued in 2011 and 2012, does not provide for any custodial penalties. This is also mentioned in the revised Constitution.

101. **Recommendation 24**: Political parties are an integral part of the country's institutional framework. The State has provided the parties with offices and other forms of assistance so that they can pursue their activities. Since the promulgation of the corresponding law in 2012, 43 new political parties have registered, bringing the total number of parties to 71.

102. The Constitution guarantees equal treatment and equitable access to the media for political parties. Reimbursement of electoral campaign expenses is guaranteed by the Institutional Elections Act.

103. **Recommendation 25**: There is no legislation that criminalizes the exercise of the right of freedom of religion. Religious groups must observe the rules governing religious practices, and those rules also apply to the Islamic religion.

104. Algerian legislators have not criminalized the act of religious conversion per se either, as no convert is subject to criminal penalties for having converted from one religion to another.

105. **Recommendations 28 and 32**: There is no access barrier in Algeria for women wishing to enter any profession or position other than those based on qualifications or merit.

106. The State is working to promote women's entry into positions of responsibility in public offices and institutions and businesses and to promote the application of the principle of gender parity in the labour market.

107. Algeria ratified the Convention on the Political Rights of Women on 19 April 2004. The Constitution was amended in 2008 to promote the political representation of women in elected bodies. An institutional law in this regard was promulgated on 12 January 2012.

108. **Recommendation 31**: Equality among all members of the population is one of the fundamental principles enshrined in the Constitution.

109. **Recommendations 38 and 42**: A national strategy for combating violence against women was adopted by the Government in 2007 and is being applied. It has been coupled with a communications plan in which the media, religious leaders, academicians and civil society are all involved.

110. **Recommendation 43**: The Criminal Code provides for the punishment of violent acts committed in the workplace, in public areas and in private spheres of life.

111. See the response to recommendations 39, 40, 41, 44, 45, 46 and 47.

D. Accepted recommendations

112. **Recommendation 11**: During the interactive debate with the Special Rapporteur and the member States of the Council, Algeria gave a presentation on the measures it has taken and the steps it plans to take to give effect to the recommendations made in the report submitted to the Council in plenary during its twentieth session.

113. See the response to recommendations 16, 21, 24 and 25.

114. **Recommendations 26, 27, 48 and 49**: In 2007 the Government adopted a national strategy for combating violence against women. As part of the implementation of that strategy, a series of steps have been taken, including the following:

(a) The development of a communications plan;

(b) The completion of a number of studies;

(c) The compilation of statistics;

(d) The preparation of a manual to provide guidance for persons working to combat violence against women;

(e) The provision of training to personnel involved in providing treatment and care for women victims of violence with a view to improving the quality of care.

115. The evaluation of the implementation of this strategy has been undertaken by a pluralistic national commission composed of representatives of institutions, civil society, academia and social workers.

116. **Recommendations 29, 33, 34, 35, 36 and 37**: The principle of gender equality is enshrined in a number of articles of the Constitution. It should be noted that women:

(a) Have access to all public positions;

(b) Have the vote and may stand as candidates in any and all elections;

(c) Are entitled to found political parties, associations and trade unions and to serve as directors and representatives of those bodies;

(d) Are entitled to voice their opinions freely through all channels of expression;

(e) Are entitled to hold meetings and demonstrations;

(f) Are entitled to bring cases to court;

(g) Are entitled to choose their place of residence and to circulate freely within the country and abroad;

(h) Have access to all social benefits provided for by law, including housing, so long as they meet the corresponding eligibility requirements;

(i) Have access to educational institutions at the primary, intermediate, secondary and tertiary levels;

(j) Have access to vocational training courses in all branches;

(k) Have access to both preventive and curative health care;

(l) Are entitled to conclude any and all types of contracts;

(m) Are entitled to obtain loans or other similar types of advances provided for by law. The laws governing the granting of bank loans and mortgages do not contain discriminatory provisions of any sort;

(n) Have access to employment and to career and promotion assurances;

(o) Have the same levels of remuneration, statutory rest periods and pension entitlements.

117. **Recommendations 39, 40, 41, 44, 45, 46 and 47**: Algerian law makes no distinction in terms of the penalization of the various forms of violence and provides for a series of sanctions, including for sexual harassment, based on the circumstances involved and on the consequences for the person concerned.

118. An intersectoral commission that was set up in March 2014 proposed new provisions on violence against women for introduction into the Criminal Code. Those provisions were adopted in December 2015.

119. See paragraphs 52, 53 and 54.

120. With regard to economic violence, article 330 of the Criminal Code, which deals with family abandonment, has been amended to cover spousal abandonment. It provides for the protection of an abandoned wife from attempts to deprive her of her goods or resources by means of coercion or intimidation.

121. The provision relating to exonerating circumstances in cases of theft of the goods of one spouse by the other and the requirement that criminal proceedings had to be initiated by the filing of a complaint have been abrogated in order to align the law with the matrimonial regime founded upon the principle of the separation of property.

122. **Recommendations 50, 51, 52, 53 and 55**: In all matters relating to democratic freedoms, human rights, the rule of law and governance, parliament takes the treaties ratified by Algeria into consideration when drafting legislation.

123. The observation of this principle reflects the fact that ratified treaties prevail over national laws. The Constitutional Council is empowered to override a national law if it determines that the law is not in conformity with ratified treaties.

124. The reformulations and other amendments introduced on a number of occasions into the founding legislation of the pluralistic system in Algeria have invariably been aimed at strengthening human rights. The exercise of those rights has been consolidated as shortcomings in the existing provisions come to light in the course of their application. Action is then taken to address those shortcomings and to clarify those provisions and increase their effectiveness.

125. **Recommendation 54**: Algeria has put anti-corruption mechanisms into place. In addition to Act No. 06-01 of 26 February 2006, which is reinforced by a legal framework that is based on international treaties, acts of corruption are punishable under the Criminal Code.

126. Algeria has a number of anti-corruption bodies, including the National Anti-Corruption Agency, the Central Office for the Suppression of Corruption, the Financial Information Processing Unit, the Court of Auditors and the General Financial Inspectorate.

127. **Recommendations 49, 96, 97, 98, 99, 100, 101 and 102**: A national action plan entitled "An Algeria fit for children" has been developed in cooperation with national institutions, civil society organizations and a consultative group of children and adolescents with support from the United Nations Children's Fund (UNICEF).

128. For the period 2008-2015, the plan covers four major areas of work: the rights of the child, the promotion of a healthful life, quality education and child protection. A steering committee composed of representatives of national institutions, civil society, and children and adolescents has been set up to ensure that follow-up action is taken.

129. The strategy for combating violence against children focuses on preventive measures and on the reintegration of victims of such violence into society. Public officials, and particularly teachers, social workers and educators, have an obligation to report suspected cases of violence at school or in the home. A communications and training plan has been developed to support the implementation of this strategy.

130. **Recommendations 56, 57, 58, 59, 60, 70, 76 and 80**: The right to education and the right to health are both constitutional rights. Universal access to education and health care is free of charge. Algeria achieved the health and education targets set for the Millennium Development Goals ahead of the time horizon set for that purpose.

131. All regions of the country are treated equally and benefit from the same services, particularly with respect to road, educational, hospital, water supply, sanitation and electrical power infrastructure.

132. Special development programmes are in place for the high plateaux and the Saharan region. Education, health and employment are high priorities for all sectors.

133. Specific areas of activity focus on ensuring that infrastructure, means of transport and school bus services are close enough to be accessible and on the availability of the necessary living arrangements, in particular boarding facilities for students in public schools or in vocational training institutions.

134. See the response to recommendation 81.

135. **Recommendations 61, 62 and 77**: The State's social policy focuses on providing the same opportunities and advantages to all members of the population, regardless of where they live.

136. In addition to the five-year economic reactivation plans that have paid evident dividends in terms of human development, the State has launched other special programmes for certain wilayas. These initiatives are designed to encourage the population to adopt a settled lifestyle by offering the same services everywhere, thereby eliminating incentives for large-scale population shifts towards large urban centres, and, above all, to ensure that the whole of the national community has a sufficient income.

137. As part of this effort, new administrative districts (*wilayas déléguées*) have been created in southern Algeria.

138. **Recommendation 63**: The principle of non-discrimination in the enjoyment of civil and political rights and of economic, social and cultural rights applies under all circumstances.

139. Social policy focuses on combating exclusion and helping young people, women and persons experiencing difficulties to gain greater autonomy so that they can become integrated into society and escape poverty.

140. **Recommendation 64**: The Government allocates an average of 30 per cent of GDP for the implementation of its social policy and the promotion of national solidarity. Social transfer payments cover education, culture, health, housing, social security, water supply, sanitation and energy.

141. **Recommendation 65**: Work on the reform of the justice system began in the early 2000s.

142. In addition to the review of legislation and its alignment with the provisions of international treaties and the new realities of Algerian society, more courthouses have been built and prison infrastructure has been modernized.

143. Information and communications technologies have revolutionized the sector, making it possible to make huge strides in improving the quality of judicial services. Users of such services now have access to streamlined applications that make it possible to obtain documents or track case files remotely.

144. **Recommendations 66 and 67**: Civil society is an essential partner of the Government, as is attested to by the fact that there are over 100,000 civil society associations.

145. **Recommendations 71 and 72**: The Government devotes a sizeable portion of its budget to the promotion of health in Algeria:

(a) The right to health is a constitutional right;

(b) Access to health care is free and non-discriminatory. Health care is available to foreign nationals regardless of their residence status;

(c) Health-care service coverage encompasses all regions of the country.

146. The State is working to improve health-care services by entering into performance contracts with health-care facilities with a view to upgrading service quality and rationalizing health-care providers' expenditures.

147. **Recommendation 75**: Services for persons with disabilities are guaranteed under the Constitution, which states that: "The State seeks to ensure that vulnerable persons having specific needs enjoy all their rights as citizens and participate in social affairs."

148. The Constitution states that: "Suitable living conditions are guaranteed for citizens who cannot yet, can no longer or will never be able to work."

149. As part of the State's efforts to protect children with disabilities and to promote their interests, support mechanisms have been put in place to help ensure that children with disabilities will be integrated into their family, educational and socioeconomic environments.

150. These mechanisms have been introduced pursuant to a law on the protection of persons with disabilities and the promotion of their interests which was adopted in May 2002 and a series of implementing regulations.

151. **Recommendations 73, 74 and 78**: The nation's education policy is founded upon the principle of equality of opportunity for all children. Education is free of charge from the first cycle up to the tertiary level. School attendance is compulsory for children between the ages of 6 and 16, and parents are subject to penalties if their children fail to attend school.

152. In order to help prevent children from dropping out of school, the Government provides disadvantaged children with remedial support aimed at reducing repetition rates and various other forms of assistance, such as scholarships, school textbooks and materials, meals programmes and school bus service. The Government also covers boarding costs for students from remote areas.

153. Girls are provided with the same benefits as boys, and this policy has yielded very positive results for girl students.

154. **Recommendations 79 and 106**: The right to education is high up on the Government's agenda. In addition to the fact that school attendance is mandatory, the universal coverage of the education system makes schooling accessible for all children.

155. A human rights culture is an integral part of education in Algeria and is an essential element in the civic education of the citizenry. At the start of each school year, a specific subject is chosen for presentation to the students and is then followed up on over the course of the year.

156. This approach is applied to all teachers and others involved in educating the country's future leaders. Institutions of higher learning (specialized schools, universities and selective institutes at the tertiary level) provide human rights courses, and the material they cover is included in the certification examinations of teachers, professors and other instructors.

157. Human rights education is a central element in the outreach and advocacy efforts of the Government and civil society in Algeria.

158. **Recommendation 81**: Algeria has devised a strategy for taking advantage of what is known as the "demographic dividend". In April 2008, the Government adopted an action plan for boosting employment and tackling the problem of unemployment. The action plan sets out the following objectives:

(a) Fight unemployment by using fiscal and parafiscal measures and interest subsidies to promote job-creating investments;

(b) Provide job training;

(c) Use entrepreneurship programmes as a direct means of increasing employment opportunities;

(d) Build the capacity of institutions in the labour market to play a more effective intermediary role in helping to align employment supply and demand.

159. This strategy has led to an increase in the working population, with no fewer than 1,800,000 jobs for young people having been created in 2008-2015.

160. **Recommendation 82**: Since April 2012, the Government of Algeria has submitted:

(a) Its initial report on its implementation of the Convention on the Rights of Persons with Disabilities;

(b) Its second periodic report regarding migrant workers and members of their families;

(c) Its twentieth and twenty-first periodic reports on its implementation of the Convention on the Elimination of All Forms of Racial Discrimination;

(d) Its initial report on child soldiers under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(e) Its fourth periodic report on the International Covenant on Civil and Political Rights;

(f) Its fifth and sixth reports under the African Charter on Human and Peoples' Rights;

(g) Its initial report under the African Charter on the Rights and Welfare of the Child;

(h) Its second report on its implementation of the Arab Charter on Human Rights.

161. **Recommendation 103**: The Constitution prohibits slavery, exploitation and servitude.

162. Article 10 of the revised 2016 Constitution states that institutions must refrain from engaging in:

(a) Feudal or regionalistic practices and nepotism;

(b) The establishment of relationships based on exploitation or dependence;

(c) Practices that run counter to the moral philosophy of Islam or to the values of the November Revolution.

163. Algeria has ratified the conventions on transnational organized crime and their additional protocols. Its legislation on that subject was already quite advanced even before it became party to those international treaties and has since been strengthened in the course of the adaptation of the national legal order to those instruments. In 2016, a national committee on human trafficking was established.

164. Act No. 09-01 of 25 February 2009 introduced two new sections — one on human trafficking and the other on migrant smuggling — which have been incorporated into the Criminal Code.

165. In the new articles 303 bis 4 to 303 bis 15, the offence of human trafficking is defined in accordance with the protocol on trafficking in persons. The offence is punishable by a term of imprisonment and a fine, with heavier penalties being imposed if the offence was accompanied by the aggravating circumstances of having been committed in respect of a person whose vulnerability by reason of his or her age, illness or physical or mental disability is apparent to or known by the perpetrator.

166. **Recommendation 108**: In accordance with the law on the right to organize, there are no restrictions or constraints on the establishment of trade unions. There are 66 organizations that reportedly represent more than 2.5 million wage workers and 35 employers' organizations grouped into 4 confederations.

167. **Recommendation 109**: Following the visit paid to Algeria from 9 to 19 July 2011, Ms. Raquel Rolnik, Special Rapporteur on adequate housing, reported on the Government's commitment to providing lodging for its citizens based on its strategy for dealing with the housing deficit and eradicating slums.

168. The implementation of a number of plans in recent years has resulted in the construction of over 2.5 million dwellings of different sorts, and new projects are to be launched under programmes for 2015-2019.

169. **Recommendation 110**: Algeria stands side by side with peoples who are fighting for their political emancipation and economic independence. Its solidarity is borne of its own history and especially its war of national liberation against colonialism.

170. Algeria has helped to speed up the decolonization process, particularly in Africa. Its unswerving support for the cause of the Saharawi peoples is a perfect example of its position in this respect. Algeria supports the right of peoples under foreign colonial domination to self-determination and lends its political and diplomatic support for the triumph of their just cause.

171. **Recommendation 111**: Algeria places its faith in multilateralism. It believes that regional and international forums provide a means for the human family, with all its diversity and variety, to express differing points of view in a peaceful manner.

172. As a result of this belief, Algeria makes voluntary contributions to United Nations funds, programmes and other bodies, including the Office of the United Nations High Commissioner for Human Rights.

V. Achievements and good practice

A. Strengthening ethical standards in public affairs

173. The effort to combat corruption figures as one of the priorities in the overall reform process launched in the early 2000s and contributes to the consolidation of the rule of law and good governance.

174. As a preventive measure, senior and elected officials are required to declare their assets at the time of their designation or election and upon the completion of their term in office. This declaration of assets is a tool for preventing the illicit enrichment of public officials and local or national elected officials.

175. The Financial Information Processing Unit, an anti-corruption office, was established in 2004 and tasked with tracking money-laundering operations. In order to do so, it receives and acts upon reports of suspicious operations.

176. The National Anti-Corruption Agency is an independent authority that has legal status and financial and administrative autonomy. It reports directly to the President of the Republic and is the lead agency for the implementation of the national strategy for combating corruption. The Agency's role is confined to the enforcement stage when dealing with reports of malfeasance in connection with declarations of assets.

177. The Central Office for the Suppression of Corruption has been in operation since March 2013. This is a new, specialized investigative mechanism staffed by members of different units of the investigative police and financial experts.

B. Modernizing public administration and bringing it closer to the people

178. The National Government Service Observatory was set up in 2016. This consultative body assesses public policies and monitors their implementation.

179. The Observatory provides expertise, audits, assessments and other forms of assistance. It contributes to the process of modernizing the government service, takes part in the development and implementation of e-government functions and serves as one of the strategic oversight mechanisms tasked with tracking the performance of public services.

180. The Ministry of the Interior and Local Authorities has embarked on a large-scale effort to streamline and decentralize administrative procedures. Some of the main measures adopted in this area are:

(a) The establishment of committees at the *wilaya* level tasked with improving administrative government services;

(b) The review of the civil status law;

(c) The establishment of the computerized National Civil Status Registry;

(d) The reduction of the list of civil status documents in use in municipalities and consular services;

(e) The streamlining of the procedures involved in obtaining civil status documents for citizens born abroad whose names are entered in consular civil status registries;

(f) The decentralization of the administration of vehicle registration files and the streamlining of the procedure for their processing;

(g) The simplification of the procedure for correcting errors in civil status documents;

(h) Rigorous monitoring of the implementation of measures designed to improve public services.

181. A number of other initiatives are under way or about to be launched, including the introduction of electronic biometric national identity cards, the establishment of a national database of driver's licences, the digitization of administrative archives and an e-management system for benefits provided at the *wilaya* and municipality level.

182. The Ministry of Justice has been working to improve the coverage of the court system. There are now 219 lower courts with 23 annexes, 47 courts of appeal, 37 criminal courts and the Supreme Court, along with an administrative justice system composed of 38 administrative courts and the Council of State. A jurisdictional court has been established to settle conflicts of jurisdiction between the two systems.

183. The boundaries of judicial districts have been redrawn in line with the introduction of additional courts while bearing in mind the number of cases to be processed and the difficulties associated with the considerable distances separating different regions of the country.

184. As part of this effort to modernize the justice system in order to meet the needs of the people more fully, a number of programmes have been introduced in the following areas:

(a) The activation of an automated system for issuing judicial record certificates and certificates of nationality;

(b) Development of a system for the remote consultation of the judicial record management system;

(c) An automated prison management and monitoring system;

(d) The development of an arrest warrants management system that draws upon a national database containing files on all persons wanted by the law and on those no longer being sought.

185. The Ministry of Labour, Employment and Social Security has launched what is known as the "Chifa" health insurance e-card scheme. This system has made it possible to standardize the nomenclature used for different health services, to maintain a screened and updated list of persons eligible for Chifa health insurance, to manage the lists of partner institutions and to keep them.

186. All divisions of the government service provide additional services for persons with special needs, such as access ramps for persons with motor disabilities, the designation of a special service window for vulnerable persons, provision of sign language training for staff and the preparation of schoolbooks for use in informing persons who cannot read about their rights.

187. A series of toll-free telephone numbers and Internet sites have been made available to enable members of the public to circulate alerts, obtain information about administrative procedures, track their files or report failures on the part of government officials or institutions to respect their or others' human rights.

VI. Difficulties and constraints

A. The demographic dividend

188. Algeria is cognizant of the potential of the younger members of its population and the attention that should be devoted to them in order to help them contribute to the continued development of society.

189. The Government has worked with central and local government offices, banks and civil society to introduce various types of mechanisms for promoting employment among young people through entrepreneurship in the areas of agriculture, information and communications technologies, and craftwork.

190. This policy initiative, which supplements other efforts to provide vocational training and instruction to young people and to promote their integration into the workforce, has paved the way for the start-up of hundreds of thousands of microenterprises.

191. This initiative also contributes to efforts to combat social problems and all forms of extremism, indoctrination and radicalization.

B. The tense regional security situation

192. Terrorist groups have gathered in the Sahel-Saharan region in recent years and have exploited the destabilization of the situation associated with what are supposedly popular uprisings. They are also drawn to that region by transnational criminal organizations that realize substantial profits from hostage-taking, drug trafficking, human trafficking and contraband of all sorts.

193. The proceeds that these groups and terrorist networks obtain from their organized criminal activities allow them to build up stocks of weaponry of different types, much of which has been plundered from government arsenals.

194. The spread of these groups threatens the stability of the region. Algeria is the first line of defence in the effort to contain these groups and to stop them from regrouping, shifting their locations and deploying their members. This constant mobilization of security forces all along its borders is a daily challenge for the State of Algeria, which devotes significant resources to providing the operational material and equipment, in cooperation with other countries in the region, needed to contain these threats and ensure stability.

C. The damage done by the oil shock

195. Algeria obtains a substantial part of its revenues from energy exports. In recent years it has introduced numerous development plans and programmes in an effort to reinvigorate its economy, bolster growth, reduce unemployment and ensure the population's well-being.

196. This effort has been coupled with a very generous social benefits policy and a mechanism for building national solidarity and promoting human development.

197. The drop in international energy prices has had an impact on the Government's financial capacity. The early repayment of its entire external debt and the establishment of reserve funds have, until now, allowed it to withstand the repercussions of the crisis and continue to devote resources to public investment and social transfer payments.

198. This downturn in revenues has obliged the Government to rationalize its operational expenditures but has not yet held back social development efforts, as social projects continue to receive adequate budget allocations for their implementation.

199. Nonetheless, continued price declines constitute a very real challenge for Algeria. The State has thus pursued an economic diversification policy that calls for providing greater scope for initiative, promoting partnerships and putting in place mechanisms for wealth creation.

VII. Perspectives on the evolving human rights situation

A. Completion of the establishment of governance bodies for the press

200. The future Written Press Regulatory Authority (ARPE) will be a joint body that will include members of the press and will be responsible for issuing publication authorizations.

201. The designation of the members of an ethics council will pave the way for the development of a code of ethics for the media. The Institutional Information Act provides for the creation of the Higher Ethics Council, whose members will be chosen by journalists themselves. The organization and operational guidelines for that council will be determined by its constituent assembly.

B. Legislative reform

202. **The preliminary institutional bill on associations**: The purpose of this legislation is to consolidate the new constitutional provision (art. 54) which raises the Associations Act to the rank of an institutional law and further strengthens the right to freedom of association based on the lessons learned from the implementation of that law since 2012.

203. **The preliminary institutional bill on political parties**: This bill is designed to further strengthen the position and role of political parties and to define the means by which the new rights they have been granted as a result of the constitutional review (art. 53) are to be exercised. These rights concern access to government media and financial records and the exercise of political power at the national and local levels.

204. **The preliminary bill on the rights to freedom of assembly and peaceful demonstration**: The purpose of this bill is to align existing legislation with the new constitutional provision that has established the right to demonstrate peacefully (art. 49), to reinforce the guarantees for the exercise of that right and to ensure that it is exercised peacefully.

205. **The preliminary bill on the promotion of participatory democracy at the local government level**: The aim of this bill is to define the mechanisms and procedures for putting the new constitutional provision on participatory democracy (art. 15 (3)) into action.

206. **The preliminary bill to amend and supplement the Criminal Code (promulgated by Ordinance No. 66-155 of 8 June 1966)**: The purpose of this bill is to

consolidate the establishment of the principle of the right to a second hearing. In addition to providing for the right of appeal in criminal cases, this bill calls for changes in the composition and mode of operation of criminal courts but maintains the use of juries of the people for cases involving ordinary offences with the exception of the offences of terrorism, drug trafficking and smuggling. Cases involving the latter offences will be heard by professional judges, who will base their decisions on the principle of "clear and convincing evidence" (*principe de l'intime conviction*) in criminal matters and are required to issue the reasoning for their decisions.

207. **The preliminary bill concerning the Labour Code**: This bill is based on consultations undertaken with employers' associations, trade unions and other economic stakeholders for the purpose of bringing their positions closer together and providing them with an opportunity to share their expectations with regard to the wide variety of issues under consideration. The bill is intended to offer appropriate ways formulas for combining labour rights and the associated guarantees with the need to support corporate competitiveness and efficiency and economic development while rationalizing expenditures.

208. **The preliminary bill on advertising**: The aim of this bill is to provide a regulatory framework for the advertising industry.

Conclusions

209. By fulfilling its reporting obligations, the Government of Algeria hopes to have provided an informative presentation of developments and accomplishments in the field of human rights since its participation in the second cycle of the review in May 2012.

210. This report is by no means exhaustive; it does not cover all the steps taken in the sphere of human rights during that reporting period, but instead highlights the most important developments in this connection. It covers some of the good practices that Algeria would like to share with other countries and outlines the approaches to various issues that have been adapted to the situation existing in Algeria.

211. Finally, it should be noted that, in this ever-changing set of circumstances, in Algeria as elsewhere, much remains to be done as human rights standards evolve with each step forward that is taken.

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Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. In 2012, the Committee on the Rights of the Child recommended that Algeria ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities.[3]

3. The same Committee also recommended that Algeria consider ratifying the International Labour Organization Domestic Workers Convention 2011 (No. 189);[4] and the Hague Convention on the Civil Aspects of International Child Abduction.[5]

4. Regarding the recommendation received by Algeria during its second universal periodic review on ratifying the Convention on the Reduction of Statelessness,[6] the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the

Government accede to that Convention on the Reduction of Statelessness and adopt its safeguards against statelessness into domestic legislation.[7]

5. The Committee on the Rights of the Child reiterated its recommendation that Algeria review its interpretative declarations regarding the Convention on the Rights of the Child with a view to withdrawing them.[8]

6. The Committee urged Algeria to fulfil its reporting obligations under the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, the reports of which were both overdue, since 2009 and 2011 respectively.[9]

7. The Committee on the Elimination of Racial Discrimination regretted that the combined fifteenth to nineteenth periodic reports of Algeria had been submitted with a delay of nearly 10 years.[10]

8. The Office of the United Nations High Commissioner for Human Rights (OHCHR) noted that as to cooperation with OHCHR and human rights mechanisms, apart from the visits by the High Commissioner in 2012, the Special Rapporteur on the right to education in January 2015 and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in May 2016, Algeria maintained, in general, its non-cooperation with United Nations human rights experts and mechanisms. The Government had not yet accepted the proposed visits of several special mandate holders, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.[11]

III. National human rights framework[12]

9. OHCHR welcomed the adoption by Algeria of a number of constitutional amendments in January 2016, as a positive step towards far-reaching institutional, political and socioeconomic reforms.[13] It further encouraged Algeria to bring its national legislation into line with its international human rights obligations, particularly that relating to freedoms of assembly, expression and association.[14]

10. Since 2009, the Commission nationale des droits de l'homme had been accredited with B status by the Global Alliance of National Human Rights Institutions.[15]

11. The Committee on the Rights of the Child urged Algeria to establish an independent mechanism to deal with children's complaints of violations, either as part of a national human rights institution or as a separate one.[16]

12. The same Committee was concerned about the lack of progress in the adoption of the Child Protection Code, the elaboration process of which had been initiated in 2005.[17]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[15]

13. The Committee on the Elimination of Racial Discrimination recommended that, in accordance with the Convention, Algeria incorporate a definition of racial discrimination into its legislation[16] and the prohibition of racial discrimination into the Criminal Code.[20]

14. The same Committee was concerned by the persistence of racist stereotypes and by the hate speech that was sometimes directed against the Amazighs, asylum seekers, refugees and sub-Saharan Africans.[21]

15. OHCHR indicated that traditional social mores had created an extremely hostile environment for lesbian, gay, bisexual and transgender persons. In 2015, advocacy groups for those communities had focused mainly on personal safety, due to an increase in the intensity of hate speech coming from conservative clerics and the media.[22]

2. Development, the environment, and business and human rights[23]

16. The Committee on the Elimination of Racial Discrimination was concerned by reports about economic disparities, affecting in particular the regions inhabited by Amazighs, who allegedly had not benefited from adequate public investment, and recommended that Algeria step up its development efforts in the most disadvantaged regions, especially those inhabited by Amazighs.[24]

3. Human rights and counter-terrorism

17. The Committee on the Rights of the Child was concerned that children aged 16 could be detained in the context of counter-terrorism.[25]

B. Civil and political rights

1. Right to life, liberty and security of person[26]

18. Since 1 April 2012, the Human Rights Committee has adopted 24 Views concluding that Algeria was in violation of its obligations under the International Covenant on Civil and Political Rights. Twenty-one of these related to cases concerning enforced disappearances,[27] two related to cases concerning extrajudicial or arbitrary executions[28] and one related to a case concerning torture and arbitrary detention.[29] The Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted two decisions concluding that Algeria was in violation of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[30]

19. The Committee on the Rights of the Child was concerned that children were subjected to long periods of pretrial detention and that they were not always separated from adults in detention.[31]

20. The Special Rapporteur on education welcomed the efforts of the Government to promote the enjoyment by persons in detention of their right to education. He considered that the type of education provided in prisons was similar to that given in ordinary schools.[32]

2. Administration of justice, including impunity, and the rule of law[37]

21. OHCHR indicated that Algeria had set in place a number of judicial mechanisms intended to protect the rights of citizens, on the one hand, and to ensure self-reliance in decision-making by the justice system, on the other.[38] Revised legislation adopted to reflect the country's regional and international commitments had provided grounds for the promulgation of texts that had contributed to strengthening the fundamental rights and liberties of citizens, including the Code of Criminal Procedure, amended on July 2015, and the Penal Code which came into force in January 2016.[39]

22. The Committee on the Rights of the Child was concerned that the juvenile justice system remained mostly punitive, as reflected notably by the possibility of sentencing a child as young as 13 years old to a prison term of 10 to 20 years.[40]

23. Concerning the combating of impunity, OHCHR noted that, partly as a result of sweeping amnesty measures that had entrenched impunity, the security forces continued to violate human rights. Activists and the families of victims of enforced disappearances continued to demand truth and justice despite threats being made against them.[41] OHCHR recommended that Algeria end impunity, investigate violations of human rights and support victims of such abuses.[42]

3. Fundamental freedoms and the right to participate in public and political life[43]

24. OHCHR expressed concern over the alleged excessive use of force against protesters who had often taken to the streets to complain about unemployment and inflation. OHCHR urged the national authorities to respect people's right to freedom of expression and to ensure that any wrongdoing by police forces was properly investigated.[44]

25. The United Nations Educational, Scientific and Cultural Organization (UNESCO) indicated that the Penal Code criminalized press writings, cartoons and speech that insulted or offended the President, the parliament, the judiciary, or the armed forces. It added that there was no legal protection for the confidentiality of journalists' sources.[45] UNESCO recommended that Algeria, in accordance with international standards, decriminalize defamation and place it within a civil code, and introduce a law on freedom of information.[46]

26. The Committee on the Rights of the Child expressed concern that members of non-governmental human rights organizations and journalists were often subjected to intimidation, harassment and arrest.[47]

27. OHCHR noted that civil society organizations faced several restrictions following the adoption of the Association Law No. 12-06 (2012). The law provided the authorities with broad leeway to refuse to register an association. According to information received by OHCHR, in some cases the authorities had not provided any legal justification for their decision not to register an association nor had they issued the initial registration receipt, without which the associations could not hold public meetings or obtain funding from abroad. Additionally, associations had been given two years to bring their status into conformity with the new law. In January 2014, all existing associations that had not already done so were required to re-register and align their governing statutes with the Law. Any association that had not successfully registered by that time was deemed illegal.[48]

28. The Committee on the Rights of the Child was concerned that the restricted conditions for professing a religion other than Islam and the attacks on and violence against religious minorities had undermined the effective enjoyment of the right of the child to freedom of thought, conscience and religion.[49]

29. The same Committee was concerned at the low representation of women in leadership positions.[50]

4. Prohibition of all forms of slavery[47]

30. Regarding the recommendation received by Algeria during its second universal periodic review to step up its efforts to combat trafficking in persons, UNHCR considered that the current mechanisms related to the protection of victims of trafficking and smuggling did not satisfy the two relevant Palermo Protocols. Furthermore, Algeria lacked appropriate shelters for survivors of violence, facilities to deal with urgent cases and mechanisms for referral to the UNHCR refugee status determination procedure.[48] UNHCR recommended that the Government establish an effective national policy for combating trafficking in persons and smuggling and establish appropriate mechanisms for the protection of survivors of sexual and gender-based violence and victims of trafficking and smuggling, who are in need of international protection.[49]

5. Right to privacy and family life

31. The Committee on the Rights of the Child was concerned that registration officers and family judges often refused to register children born out of wedlock, although no legal restriction exists, and that refugee and stateless children were not systematically provided with birth certificates.[50]

32. The Committee on the Elimination of Racial Discrimination was concerned by the fact that civil registrars in certain *wilaya* communes had refused to register Amazigh first names on the grounds that they did not appear on "the list of Algerian first names".[51] The Committee on the Rights of the Child raised similar concerns and recommendations.[52]

33. The Committee on the Rights of the Child reiterated its concern about the difficulty in implementing judicial decisions regarding custody and visitation rights for children with one parent living outside Algeria and the prevalence of child abduction among children of mixed marriages.[53]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[54]

34. The Committee on the Rights of the Child was concerned at the high level of unemployment among women and youth.[55]

2. Right to social security

35. The Committee on the Rights of the Child was concerned that social programmes targeting families in the most vulnerable situations, such as free education and health services and social housing programmes, hardly reached the poorest children.[56]

36. The same Committee urged Algeria to ensure, as a matter of priority, that single mothers and their children no longer live on the streets and are effectively supported to keep and care for their children.[57]

37. The Committee was also concerned that the families and children of disappeared persons were requested to obtain a court declaration stating that the disappeared relative had died in order to obtain social security benefits, including child education benefits. It urged Algeria to ensure that the families of disappeared persons are no longer obliged to provide proof of the death of their disappeared relative to obtain social security benefits.[58]

3. Right to an adequate standard of living[59]

38. OHCHR noted that the Government played a dominant role in the economy, leaving little room for private competitors. Numerous regulations made Algeria one of the most

difficult environments in which to establish and operate a business.[60] The amendments to the constitution of 2016 made multiple references to economic, social, and environmental rights. The constitution had also established several public bodies to support the realization of some of those rights. However, the language was often ambiguous and fell short of providing constitutional guarantees which would adequately reflect the country's international obligations. In some cases fundamental rights, such as food and sanitation, were not referenced at all, while in other cases rights such as health, education and housing were not sufficiently recognized.[61]

4. Right to health[62]

39. After a visit in the spring of 2016, the Special Rapporteur on health recognized the drastic improvement in health-related indicators since independence. The life expectancy of most sectors of the population had increased considerably and maternal and child mortality rates had been reduced. The health sector had developed, with a focus on primary care and universal free access for most of its population, including non-nationals. Despite the financial crisis, the country had maintained its commitment to improving the health of its population.[63]

40. However, the Special Rapporteur noted that important challenges remained. Maternal and neonatal mortality remained high and the country fell short of meeting Millennium Development Goal 5 on reducing maternal mortality. He added that even though the therapeutic interruption of pregnancies was allowed under a few exceptions, cases of rape and incest were not included, which might drive women towards unsafe clandestine abortions. Unmarried couples and single mothers faced important barriers in accessing health-care services due to stigma and the negative attitudes of health workers.[64]

41. The Committee on the Rights of the Child noted with serious concern that social rejection and stigmatization often led unmarried women and girls who were pregnant to resort to clandestine abortions, to abandon their children or to live on the streets. It urged Algeria to launch awareness-raising campaigns and educational programmes in order to put an end to their social marginalization, stigmatization and brutalization.[65]

42. The Special Rapporteur on health also underlined the need to design and implement an intersectoral public policy for sexual and reproductive health rights aimed at adolescents within and outside the educational system.[66]

43. The Committee on the Rights of the Child expressed concern that budgetary allocations to the health sector remained insufficient to address the health problems of children.[67]

5. Right to education[68]

44. After a visit in early 2015, the Special Rapporteur on education considered that the realization of the right to education had been remarkable in many respects. School enrolment rates were excellent, education was provided free of charge at all levels and gender parity at all levels had been largely achieved. Furthermore, the infrastructure for providing education was well in place and considerable budgetary resources were allocated to education: it was second only to national defence among national budgetary priorities, accounting for 16 per cent of the national budget in 2014.[69] However, Algeria did not have a legal framework for national spending in the field of education. The Special Rapporteur recommended that the Government prepare such a legal framework in order to set a minimum percentage of the national budget to be allocated to education. That framework should also include a budget for education quality.[70]

45. The Special Rapporteur noted, however, that Algeria faced a number of challenges, particularly the quality of education. He considered that the general standard of education

needed to be raised as a matter of urgency.[71] Additionally, there were high rates of school dropout, grade repetition and classroom overcrowding. Enrolment rates were sometimes lower in certain regions, in rural areas and among the poorest households. Ensuring equal opportunities in access to education for children with disabilities was still a challenge. There was also a perceptible decline in the teaching of Tamazight.[72]

46. The Special Rapporteur considered that the Government must address the imperative of ensuring quality in education as a matter of urgency. The performance and knowledge of students should be regularly evaluated. To that end, a national system for the evaluation and monitoring of the skills actually acquired by students should be set up. It was important for the Government to improve the selection and training of teachers. The Government should also adopt quality standards and criteria for the education system as a whole. The Special Rapporteur recommended that indicators be developed and a more advanced and more reliable data collection and processing system set up, in order to enable appropriate monitoring and evaluation of the education system.[73]

47. UNESCO considered that the State party should be encouraged to guarantee access to education for all, in particular children with disabilities, girls and children from rural areas and from the the poorest households, all the more so since Algeria benefited from a substantial legal framework covering the right to education. UNESCO recommended that the Government continue its efforts to guarantee access to education for all, particularly in remote regions of the country.[74]

48. The Committee on the Rights of the Child was concerned that there were significant regional disparities in access to education, some *wilayas* such as Djelfa and Mila being particularly disadvantaged.[75] It urged Algeria to ensure that children living in the most disadvantaged *wilayas* enjoy their right to education.[76]

49. The same Committee was concerned that in the absence of an inclusive education policy, children with disabilities rarely accessed mainstream education;[77] that there were no specialized teachers for children with intellectual impairment;[78] that mainstream school teachers were not trained to support children with disabilities;[79] and that the lack of a transportation system for pupils with disabilities and the lack of accessibility of school buildings were major obstacles to their integration into mainstream schools.[80]

50. The Committee urged Algeria to ensure that enforceable remedies are provided to children with disabilities and their families who have been refused access to inclusive education, or who have been denied the provision of reasonable accommodation with respect to education.[81]

51. The Committee was concerned that unregistered children were deprived of access to schools and were enrolled in mosques and in literary classes. It recommended that Algeria urgently issue clear instructions to all schools throughout the territory that all children, irrespective of their registration status, should be enrolled into public schools.[82]

52. The Committee on the Elimination of Racial Discrimination was concerned by reports that teaching of the Amazigh language had been abolished in a number of *wilaya* communes.[83] The Committee on the Rights of the Child raised a related concern.[84] The Committee on the Elimination of Racial Discrimination also regretted that the Amazigh language was excluded from areas of public life, such as the public administration and the justice system. It strongly encouraged Algeria to ensure that the Amazigh language is taught at all levels of education and its use further promoted throughout the country.[85]

D. Rights of specific persons or groups

1. Women[85]

53. OHCHR noted the adoption, in March 2015, of the law criminalizing domestic violence against women. Under the law, any man who was violent towards his spouse was liable to imprisonment and it also sought to protect the financial interests of married women. OHCHR encouraged the Government to further combat violence against women, including by ensuring the full implementation of the aforementioned law.[87]

54. The Special Rapporteur on health regretted that violence against women was largely condoned by society. Abused women, including those abused by their husbands were socially stigmatized and did not always receive adequate protection and services. He considered that the prevalence of violence against women, including domestic violence, posed a serious human rights and public health issue that should be addressed without delay and that certain aspects of the normative framework must be reinforced and effectively applied. The Special Rapporteur encouraged the authorities to continue the work on intersectoral campaigns to end violence across the country with the technical assistance of the relevant United Nations agencies.[88]

55. The Committee on the Rights of the Child was concerned that article 336 of the Arabic version of the Penal Code defined rape as an attack on so-called "honour" and that rapists might therefore avoid punishment by marrying the girl they had raped. It urged Algeria to revise article 336 of the Penal Code and define the crime of rape as sexual intercourse without consent.[89]

56. OHCHR noted that personal legal status between women and men remained unequal, in particular with regard to marriage, divorce, custody, abortion and inheritance. Nevertheless, the Family Code had been gradually amended, which reflected the measured progress towards achieving more equality for women in Algeria.[90]

57. The Committee on the Rights of the Child urged Algeria to promptly remove from the Family Code all provisions that discriminated against girls and women concerning child custody, inheritance, divorce, polygamy and repudiation,[91] and to recognize by law marriage between a Muslim woman and a non-Muslim.[92]

58. OHCHR pointed out that Algeria had removed its reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women and also ensured women a voice in Government by allowing their political participation by instituting quotas. Furthermore, in January 2012, Algeria had adopted a new law imposing a 30 per cent quota of women on the electoral lists of parties for legislative, municipal and communal elections, depending on the number of seats in the electoral district.[93]

59. Concerned that textbooks still included negative or patriarchal stereotypes,[94] the Committee on the Rights of the Child urged Algeria to develop non-stereotyped educational curricula that would address the structural causes of discrimination against women[95] and to eliminate societal discrimination against women and girls through public educational programmes.[96]

2. Children[97]

60. UNHCR reported that the Law on the protection of the child (Law No. 15-12, adopted in July 2015) incorporated key principles of the Convention on the Rights of Child and made explicit reference to refugee children as part of its scope of application.[98] UNHCR considered that this new legal basis needed to be implemented in practice, with a particular focus on refugee children, in order to ensure that the rights of the child were respected and effectively implemented.[99]

61. The Committee on the Rights of the Child urged Algeria to ensure that children born to an Algerian mother married to a foreign national can automatically acquire their mother's nationality as prescribed in the Nationality Code.[100]

62. The same Committee was concerned that Algeria did not provide free legal aid, the assistance of a guardian, protection, psychological and medical support and shelter to unaccompanied minors and child victims of gender-based violence.[101]

63. The Committee expressed deep concern that sexual abuse against children in school was on the rise. It was also concerned about child victims of sexual exploitation and abuse being discouraged from or afraid of reporting rape and being ostracized and stigmatized.[102]

64. The Committee was concerned that corporal punishment remained widely accepted in society and routinely used as a disciplinary measure in schools, was lawful in the home and in alternative care settings and that there was no explicit legal prohibition of the use of corporal punishment as a disciplinary measure in penal institutions. It urged Algeria to prohibit corporal punishment unequivocally in all settings.[103]

65. The Committee urged Algeria to speed up the adoption process of the new Labour Code, ensure that it fully covers children working in the informal sector and define the types of hazardous work prohibited for persons under the age of 18.[104]

66. The Committee was concerned that the minimum age for voluntary recruitment into the armed forces or paramilitary forces was unclear and urged Algeria to establish by law a minimum age, ensuring that persons under the age of 18 do not serve in the armed forces.[105]

67. The Committee was concerned that limited measures had been taken to enforce the new anti-trafficking law and that Algeria continued to consider trafficking victims, including children, as illegal migrants and to deport them.[106] It urged Algeria to ensure that child victims of trafficking are offered the necessary assistance and are not punished for unlawful acts committed as a direct result of being trafficked.[107]

68. Regarding the recommendation received by Algeria during its second universal periodic review to step up its efforts to combat trafficking in persons, UNHCR welcomed the development of a national strategy for the fight against trafficking in persons.[108]

69. UNHCR recommended that the Government ensure that all children born on its territory are properly registered at birth, regardless of the status of their parents and that they fully enjoy their economic, social and cultural rights. It also recommended that the Government implement child protection mechanisms appropriate for refugee children.[109]

3. Persons with disabilities[110]

70. Recalling that Algeria had ratified the Convention on the Rights of Persons with Disabilities in 2009, the Special Rapporteur on health considered that the Government should proceed without delay to its effective implementation. In the view of the Special Rapporteur, that implied moving away from a medical model, which put excessive emphasis on medical diagnosis, and abandoning old-fashioned practices, which led to people being excluded, based on diagnosis.[111]

71. The Committee on the Rights of the Child reiterated its concern that social stigma, fears and misconceptions surrounding children with disabilities remained strong in society.[112]

4. Minorities and indigenous peoples[113]

72. OHCHR expressed concern at the situation of the Berber or Amazigh in Algeria. After years of marginalizing the Berber community, officials had made modest efforts to recognize its cultural demands. For instance, the Tamazight language was now considered a

national language. However, ethnic violence between Berbers and Arabs had worsened in recent years, particularly in the south.[114]

5. Migrants, refugees, asylum seekers and internally displaced persons

73. UNHCR reported that Algeria lacked a comprehensive legislative framework and efficient administrative institutions for the protection of refugees, asylum seekers and stateless persons. In their absence, UNHCR had assumed key responsibilities. From its perspective, the most important development since the previous review had been the arrival of refugees from a Middle Eastern country fleeing armed conflict. According to the Government, more than 40,000 nationals of that country were now in Algeria. UNHCR commended the Government policy of welcoming those refugees without visa requirements until the end of 2014 and for having put in place a number of measures in their favour.[115]

74. The Committee on the Rights of the Child was concerned that UNHCR had still not been able to conduct proper registration of Sahrawi refugees who were still living in precarious conditions in Tindouf province under the administration of the Polisario Front and had not been granted access to detention centres, where migrants deemed "irregular", including children, were held. The Committee urged Algeria to ensure that UNHCR has unimpeded access to all centres where refugees and potential asylum seekers are held and to all refugee camps in Tindouf province.[116]

75. UNHCR noted that the failure of the Government to grant refugee status and issue national documentation to refugees recognized by UNHCR under the Convention relating to the Status of Refugees and the Convention Governing the Specific Aspects of Refugee Problems in Africa, created fundamental problems for refugees in accessing documentation, residency, social security, the labour market, adequate shelter and many other rights.[117] The Committee on the Rights of the Child was concerned that asylum seekers and refugee children, including those recognized by UNHCR, were generally considered and treated as illegal migrants and faced arrest, detention and occasionally expulsion.[118]

76. UNHCR recommended that the Government grant and recognize refugee status by issuing national documentation to all persons within the mandate of UNHCR. It also recommended that Algeria fully implement its international obligations under the Convention relating to the Status of Refugees, the Convention Governing the Specific Aspects of Refugee Problems in Africa and the Convention relating to the Status of Stateless Persons and incorporate them into its domestic legal framework.[119]

77. The Committee on the Rights of the Child urged Algeria to decriminalize irregular migration and to ensure that children of migrant workers enjoy their rights without discrimination.[120]

78. The same Committee was concerned that families displaced during the "black decade" had not benefited from any programme to facilitate their safe return to their place of origin, or to meet their specific housing needs in the localities where they currently lived.[121]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Algeria will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/DZSession27.aspx.
[2] For relevant recommendations, see A/HRC/21/13, paras. 129.1-9, 129.11, 129.82, 129.84-129.91, 129.95, 129.104, 129.111-129.112.
[3] See CRC/C/DZA/CO/3-4, paras. 84 and 56 (f).
[4] Ibid., para. 72.
[5] Ibid., para. 51.
[6] See A/HRC/21/13, recommendation 129.2 (Slovakia).
[7] UNHCR submission for the universal periodic review of Algeria, p. 5. See also CRC/C/DZA/CO/3-4, paras. 40 (d) and 66 (d).
[8] See CRC/C/DZA/CO/3-4, paras. 9, 10, 41 and 42.
[9] Ibid., para. 85.
[10] See CERD/C/DZA/CO/15-19, para. 2.
[11] OHCHR regional office for the Middle East and North Africa submission for the universal periodic review of Algeria, p. 1.
[12] For relevant recommendations, see A/HRC/21/13, paras. 129.12, 129.17-129.18, 129.22, 129.25, 129.50-129.52, 129.79, 129.83-129.84, 129.105-129.107.
[13] OHCHR regional office submission, p. 2. See also UNHCR submission, p. 2.
[14] Ibid.
[15] List of national human rights institutions with accreditation status granted by the Global Alliance of National Human Rights Institutions available from /nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf.
[16] See CRC/C/DZA/CO/3-4, para. 18.
[17] Ibid., paras. 11 (a) and 12.
[18] For relevant recommendations, see A/HRC/21/13, paras. 129.78 and 129.107.
[19] See CERD/C/DZA/CO/15-19, para. 11.
[20] Ibid., para. 12.
[21] Ibid., para. 19.
[22] OHCHR regional office, pp. 8 and 9.
[23] For relevant recommendations, see A/HRC/21/13, paras. 129.61-63 and 129.66.
[24] See CERD/C/DZA/CO/15-19, para. 15. See also CRC/C/DZA/CO/3-4, para. 62 (a).
[25] See CRC/C/DZA/CO/3-4, para. 81 (d).
[26] For relevant recommendations, see A/HRC/21/13, paras. 129.90-94 and 129.105.
[27] See, for example, CCPR/C/105/D/1753/2008; CCPR/C/110/D/1900/2009; CCPR/C/111/D/1931/2010; CCPR/C/112/D/2117/2011 and CCPR/C/112/D/2132/2012.
[28] CCPR/C/111/D/1964/2010 and CCPR/C/111/D/1974/2010.
[29] CCPR/C/116/D/2297/2013.
[30] CAT/C/51/D/376/2009 and CAT/C/52/D/402/2009.
[31] See CRC/C/DZA/CO/3-4, para. 81 (b) and (d).
[32] See A/HRC/29/30/Add.2, para. 42.
[33] For relevant recommendations, see A/HRC/21/13, paras. 129.45, 129.47, 129.54-129.55, 129.65 and 129.93.
[34] OHCHR regional office submission, p. 2.
[35] Ibid.
[36] See CRC/C/DZA/CO/3-4, para. 81 (a).
[37] OHCHR regional office submission, p. 6.
[38] Ibid.
[39] For relevant recommendations, see A/HRC/21/13, paras. 129.11-129.16, 129.19-129.25, 129.28, 129.36 and 129.67-129.69.
[40] OHCHR regional office submission, p. 10.
[41] See UNESCO submission for the universal periodic review of Algeria, paras. 61-64.
[42] Ibid., paras. 75-77. See also OHCHR regional office submission, p. 5.
[43] See CRC/C/DZA/CO/3-4, paras. 27 and 28.

[44] OHCHR regional office submission, p. 3. See also CRC/C/DZA/CO/3-4, para. 27.
[45] See CRC/C/DZA/CO/3-4, para. 41.
[46] Ibid., para. 61 (d).
[47] For relevant recommendations, see A/HRC/21/13, paras. 129.102-129.103.
[48] UNHCR submission, p. 3.
[49] Ibid., p. 4.
[50] See CRC/C/DZA/CO/3-4, paras. 37 (a) and (b), 65 (c) and 66 (b).
[51] See CERD/C/DZA/CO/15-19, para. 16.
[52] See CRC/C/DZA/CO/3-4, paras. 39 and 40 (c).
[53] Ibid., para. 50.
[54] For relevant recommendations, see A/HRC/21/13, paras. 129.29, 129.59, 129.81 and 129.108.
[55] See CRC/C/DZA/CO/3-4, para. 61 (d).
[56] Ibid., para. 61 (b).
[57] Ibid., paras. 34 and 73-74.
[58] Ibid., paras. 61 (b) and 62 (c).
[59] For relevant recommendations, see A/HRC/21/13, paras. 129.56-129.57, 129.62-129.64 and 129.109.
[60] OHCHR regional office submission, p. 7.
[61] Ibid.
[62] For relevant recommendations, see A/HRC/21/13, paras. 129.70-129.72, 129.76-129.77, 129.80-129.81.
[63] See preliminary observations of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health at the end of his visit to Algeria (27 April-10 May 2016), available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19934&LangID=E$.
[64] Ibid. See also CRC/C/DZA/CO/3-4, para. 57.
[65] See CRC/C/DZA/CO/3-4, paras. 33 (b) and 34.
[66] See preliminary observations of the Special Rapporteur on health. See also CRC/C/DZA/CO/3-4, paras. 59 and 60.
[67] See CRC/C/DZA/CO/3-4, paras. 19 and 57.
[68] For relevant recommendations, see A/HRC/21/13, paras. 129.58, 129.60, 129.70, 129.73-129.75 and 129.77-129.80.
[69] See A/HRC/29/30/Add.2, para. 33.
[70] Ibid., para. 47.
[71] Ibid., para. 62.
[72] Ibid., para. 57. See also UNESCO submisson, para. 69.
[73] See A/HRC/29/30/Add.2, para. 64.
[74] See UNESCO submission, para. 70. See also preliminary observations of the Special Rapporteur on health.
[75] See CRC/C/DZA/CO/3-4, para. 63 (a).
[76] Ibid., para. 64 (a).
[77] Ibid., para. 55.
[78] Ibid., para. 55 (a).
[79] Ibid., para. 55 (c).
[80] Ibid., para. 55 (b).
[81] Ibid., para. 56 (e).
[82] Ibid., paras. 37 (c) and 38.
[83] See CERD/C/DZA/CO/15-19, para. 14.
[84] See CRC/C/DZA/CO/3-4, para. 63 (g).
[85] See CERD/C/DZA/CO/15-19, para. 14.
[86] For relevant recommendations, see A/HRC/21/13, paras. 129.26-129.49 and 129.63.
[87] OHCHR regional office submission, pp. 7 and 8.
[88] See preliminary observations of the Special Rapporteur on health. See also CRC/C/DZA/CO/3-4, paras. 33 (a), 45, 46, 73 and 74.
[89] See CRC/C/DZA/CO/3-4, paras. 75 and 76 (a).
[90] OHCHR regional office submission, p. 8. See also CRC/C/DZA/CO/3-4, paras. 48 and 49.
[91] See CRC/C/DZA/CO/3-4, paras. 12, 29, 30 and 49 (a).

[92] Ibid., para. 49 (b).
[93] OHCHR regional office submission, p. 8.
[94] See CRC/C/DZA/CO/3-4, para. 63 (f).
[95] Ibid., para. 64 (e).
[96] Ibid., para. 30 (b).
[97] For relevant recommendations, see A/HRC/21/13, paras. 129.48-129.49, 129.56 and 129.96-129.101.
[98] UNHCR submission, p. 2.
[99] Ibid., p. 4.
[100] See CRC/C/DZA/CO/3-4, paras. 39 and 40 (a).
[101] Ibid., para. 65 (b).
[102] Ibid., para. 75.
[103] Ibid., paras. 43 and 44 (a). See also preliminary observations of the Special Rapporteur on health.
[104] See CRC/C/DZA/CO/3-4, para. 72.
[105] Ibid., paras. 69 and 70.
[106] Ibid., para. 77.
[107] Ibid., para. 78 (c) and (d). See also CERD/C/DZA/CO/15-19, para. 21.
[108] UNHCR submission, p. 3. See also OHCHR regional office submission, p. 10.
[109] UNHCR submission, p. 5.
[110] For relevant recommendations, see A/HRC/21/13, paras. 129.10, 129.56 and 129.75.
[111] See preliminary observations of the Special Rapporteur on health.
[112] See CRC/C/DZA/CO/3-4, paras. 29 and 55.
[113] For relevant recommendations, see A/HRC/21/13, para. 129.110.
[114] See OHCHR regional office submission, p. 5.
[115] UNHCR submission, pp. 1 and 2. See also CRC/C/DZA/CO/3-4, paras. 65 and 66.
[116] See CRC/C/DZA/CO/3-4, paras. 65 (d) and 66 (c).
[117] UNHCR submission, p. 6. See also preliminary observations of the Special Rapporteur on health.
[118] See CRC/C/DZA/CO/3-4, para. 65 (a).
[119] UNHCR submission, pp. 6 and 7.
[120] See CRC/C/DZA/CO/3-4, para. 68.
[121] Ibid., para. 61 (a).

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Summary of other stakeholders' submissions on Algeria*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 18 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[2]

2. Joint Submission (JS) 2 recommended that Algeria accelerate the ratification of the Convention for the Protection of all Persons from Enforced Disappearance.[3] Alkarama recommended that the Government ratify the Rome Statute of the International Criminal Court Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[4]

3. Four Freedoms Forum (FFF) recommended that the Government provide a timetable to ensure ratification of all human rights treaties as well as implementation of UPR accepted recommendations; and request assistance for capacity building.[5]

4. Alkarama regretted that the authorities refused to implement the concluding observations of the treaty bodies or the decisions they made on individual cases. Alkarama also indicated that the authorities continued to refuse to cooperate with the special procedures, despite the recommendations they had received in this regard during the previous cycle. In particular, that refusal affected the clarification of the cases pending before the Working Group on Enforced or Involuntary Disappearances.[6] Alkarama recommended that Algeria act on the recommendations contained in the concluding observations and the decisions of the treaty bodies, as well as the opinions rendered by the

* The present document was not edited before being sent to United Nations translation services.

Working Group on Arbitrary Detention. The situation of the cases pending before the Working Group on Enforced or Involuntary Disappearances should also be clarified.[7] JS2 recommended that the Government accept the visit request of the Working Group on enforced or involuntary disappearances and invite the Special Rapporteurs on Torture and on the Promotion of Truth, Justice, Reparations and Guarantees of Non -Recurrence.[8]

5. Amnesty International (AI) stated that the authorities continue to deny long-standing requests to visit by UN Special Procedures, including the Special Rapporteurs on torture, on human rights and counter-terrorism, and on the right to freedom of assembly and association, as well as the Working Group on enforced or involuntary disappearances.[9] Human Rights Watch (HRW) recommended that Algeria cooperate fully with the Human Rights Council, including with its independent experts, in particular by responding promptly and favourably to their requests for a visit, by issuing and honouring standing invitations to the United Nations experts and working groups on human rights.[10] JS5 recommended that Government extend a standing invitation to all UN Special Procedure mandate holders.[11]

6. AI regretted that the authorities did not grant visas to human rights NGOs seeking access to the country thereby hindering independent monitoring of the human rights situation.[12] HRW recommended that Algeria promptly issue visas to representatives of human rights organizations requesting to travel to Algeria for field research.[13]

7. The National Advisory Commission for the Promotion and Protection of Human Rights was of the view that some of the voluntary commitments of Algeria[14] in the context of its candidacy for membership of the Human Rights Council for the period 2014-2016 had not been fully honoured.[15]

8. JS5 recommended the Government to systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical consultations with a diverse range of civil society actors; incorporate the results of the UPR into its human rights action plans, taking into account the proposals of civil society; and present a midterm evaluation report to the Human Rights Council.[16]

B. National human rights framework[17]

9. JS1 recommended Algeria to adopt a legislative framework in accordance with international conventions, particularly the Geneva Convention relating to the status of refugees and its additional protocol, and the Convention for the protection of migrant workers and their families. Repeal Act 08/11 relating to the entry and residence of foreigners in Algeria as well as Act 09/06 which criminalises the departure from the national territory without travel documentation.[18]

10. The National Advisory Commission for the Promotion and Protection of Human Rights stated that the most important legislative development since the previous review of Algeria was still the constitutional reform of 2016. Nonetheless, the Commission was of the view that the absence of implementing legislation continued to be a problem with regard to the strengthening of the legal human rights framework.[19]

11. The Commission recommended that Algeria continue strengthening the legal and institutional human rights framework by adopting the implementing legislation indispensable to the effective exercise of the rights enshrined in law, bringing the legal system into line with the new constitutional provisions and establishing a permanent, high-level working group on human rights.[20]

12. The Commission indicated that the national human rights institution had been constitutionalized in 2016 by the establishment of a national human rights council that would have a strengthened mandate and be in conformity with the Paris principles.[21] The Commission added that a bill defining the rules for the organization and work of the council was being discussed in parliament.[22]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[23]

13. JS4 stated that despite the constitutional guarantee of the right to non-discrimination, lesbian, gay, bisexual and transgender (LGBT) persons continued to be subjected to discriminatory acts that marginalized them even more, that limited opportunities to set up associations for the promotion of LGBT rights and that made greater awareness of their existence nearly impossible.[24] *FLD reported that accusations related to being anti-Islam are also used against human rights defenders addressing LGBTI rights, who face stigmatisation and persecution and are forced to work maintaining a very low profile.*[25] JS4 recommended that Algeria introduce legislation to combat discrimination, including discrimination on grounds of sexual orientation and gender identity, that it define homophobic crime and that it impose severe criminal penalties for homophobic acts and discrimination on grounds of gender identity and sexual orientation.[26]

14. JS4 found it regrettable that the Criminal Code described homosexual sex as unnatural and considered it to be immoral.[27] JS4 recommended that Algeria repeal the articles of the Criminal Code that criminalized homosexual sex.[28]

15. JS4 indicated that hate speech and incitement to hatred targeting the LGBT community had become common even in the media. Prominent religious figures took to television studio sets and encouraged violence against homosexuals.[29] In addition, health workers still viewed homosexuals as persons with psychological disorders.[30] There was a lack of activist human rights and feminist associations owing to the fear that taking a public stance in favour of LGBT rights would result in the immediate withdrawal of accreditation.[31] JS4 recommended the adoption of legal reforms to prevent, penalize and eliminate discrimination, including discrimination on grounds of sexual orientation and gender identity.[32]

Human rights and counter-terrorism[33]

16. Alkarama noted that the Criminal Code did not define terrorism precisely and that it criminalized acts that were instances of the exercise of the freedoms of opinion, expression and peaceful assembly.[34] With regard to terrorism, the right to counsel — already limited — was not observed.[35] Alkarama recommended that Algeria define terrorism as it was defined by international standards and that it accept the request for a visit made by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.[36]

17. AI noted that the authorities and media continued to regularly report scores of killings of members of armed groups by the security forces while disclosing few details, prompting concerns that some may have been extra-judicially executed.[37]

2. Civil and Political Rights

Right to life, liberty and security of person[38]

18. AI recalled that, although no executions had been carried out in Algeria since 1993, the authorities did not support previous UPR recommendations aimed at abolishing the death penalty. AI added that, since 2012, courts had continued to issue death sentences, mostly on murder and terrorism charges. In 2014, the authorities expanded the scope of the death penalty to anyone who abducts and kills a child.[39] At least 40 people had been sentenced to death in 2015.[40] AI recommended that the Government commute all death sentences and reduce the number of crimes punishable by death, with a view to abolishing capital punishment.[41]

19. JS5 recommended that the Government investigate all instances of extra-judicial killing and excessive force committed by security forces while monitoring protests and

demonstrations; and review existing human rights training for police and security forces with the assistance of civil society to foster more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.[42]

20. JS2 regretted that Algeria had refused, during its previous UPR, all recommendations related to protecting people from enforced disappearance.[43]

21. Alkarama stated that it had documented many arrests carried out by plain-clothed officers who, acting without a warrant, did not identify themselves or indicate the reasons for the arrests they made.[44] Alkarama recommended that Algeria ensure that articles 9 and 14 of the International Covenant on Civil and Political Rights are respected during all arrests, including by allowing the persons arrested immediate access to counsel.[45]

22. Alkarama indicated that for crimes considered to be terrorist or subversive crimes, the 48-hour period of police custody, the maximum legal length, could be extended up to five times, or for a total of 12 days. In practice, the period was routinely extended. Alkarama was of the view that the period was too long, given international standards, and could expose the person in custody to torture. [46] Alkarama recommended that the Government shorten the maximum period of police custody to 48 hours for all crimes and that it allow immediate access to counsel.[47]

23. Alkarama noted that the law did not establish that all statements proven to have been obtained under torture were inadmissible as evidence in legal proceedings.[48] Alkarama recommended that the State incorporate a provision excluding evidence obtained under torture in its Code of Criminal Procedure, in accordance with the Convention against Torture.[49]

Administration of justice, including impunity, and the rule of law[50]

24. According to the National Advisory Commission for the Promotion and Protection of Human Rights, the constitutional reform had resulted in considerable changes to the justice system, including legal assistance for impoverished persons, pretrial detention as a measure to be taken in exceptional circumstances, the regulation of police custody, the independence of the judiciary, the protection of judges and lawyers from all forms of pressure and legal safeguards against all forms of pressure.[51]

25. Alkarama indicated that despite the reforms, the executive was still playing a leading role in the appointment of judges.[52] Alkarama recommended that Algeria ensure the independence of the Supreme Council of the Judiciary by providing for the election of the majority of its members.[53]

26. HRW noted that perpetrators of human rights crimes during the internal armed conflict of the 1990s continued to enjoy impunity under the Charter on Peace and National Reconciliation. It added that authorities had regularly prevented families of the disappeared from holding sit-ins or demonstrations, and associations representing them continued to face obstacles to legal registration.[54] HRW recommended that the Government redouble efforts to shed light on the unresolved cases of enforced disappearances; cease intimidation of the families of the disappeared; and allow them to demonstrate freely.[55]

Fundamental freedoms and the right to participate in public and political life[56]

27. Front Line Defenders (FLD) recalled that during its second review, Algeria accepted a number of recommendations relevant for the situation of human rights defenders,[57] freedom of expression, association and peaceful assembly, media freedom and freedom of religion. FLD considered that, despite the positive reforms introduced in the Constitution, human rights defenders continued to face significant restrictions to their work.[58] Furthermore, human rights defenders, journalists, lawyers and bloggers had been harassed and subjected to police inquiries, prosecution and false charges. LGBT rights defenders continued to face stigmatization and persecution and labor rights defenders organizing protests were also targeted.[59]

28. Reporters without Borders (RSF) reported that Algeria was ranked 129th out of 180 countries in its 2016 World Press Freedom Index, ten places lower than in the 2015 Index.

It noted that the amended Constitution guaranteed freedom of the print, broadcast and online media. However, it also established broad exceptions on the basis of the "respect of the Nation's religious, moral and cultural characteristics and values." Additionally, legislation had not been harmonised yet with the new Constitution and Algeria's international obligations.[60]

29. FLD indicated that journalists and media outlets had reported that they operated in a restrictive environment and were forced to exercise self-censorship. Some media outlets had been suspended or closed down.[61] JS5 considered that the Government had not implemented any of the recommendations it accepted during its previous review on freedom of opinion and expression.[62]

30. JS5 recommended that the Government ensure freedom of expression and media freedom by harmonising all national legislation with international standards; reform defamation legislation in conformity with ICCPR; remove restrictions on freedom of expression; and adopt a framework for the protection of journalists from persecution, intimidation and harassment.[63] FLD recommended that Algeria fully implement the recommendations made by the Special Rapporteur on the freedom of opinion and expression following his 2011 visit.[64] HRW recommended the release of all persons who were detained solely for having exercised their freedom of expression peacefully.[65]

31. JS5 expressed concern at Article 144bis of the Penal Code which criminalises defamation of the President and insulting Islam with a prison term up-to five years and a fine of up to 100,000 dinars[66] and recommended that the Government reform defamation legislation in conformity with ICCPR.[67]

32. According to FLD, a number of international human rights groups had attempted to visit the country on numerous occasions, but were refused entry visas. Foreign journalists also faced difficulty in obtaining visas to visit the country.[68] RSF recommended that the Government issue visas and accreditation without restriction to foreign journalists, and guarantee them freedom of movement without a security services escort.[69]

33. JS5 indicated that some of the most visible and critical CSOs in Algeria report sustained and unwarranted digital and physical surveillance of their activities. Various CSO leaders have faced harassment by the Algerian authorities and arbitrary detention due to their legitimate work.[70] JS5 recommended that the Government ensure that human rights defenders are able to carry out their legitimate activities without fear or undue obstruction; initiate a consolidated process of harmonisation of legislation which restricts the work of human rights defenders in line with the United Nations Declaration on Human Rights Defenders; publicly condemn, at a senior level, instances of harassment and intimidation of civil society activists and organisations.[71] JS5 also recommended that all demonstrators, journalists and human rights defenders detained for exercising their right to freedom of peaceful assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.[72]

34. JS5 considered that the Government had not implemented the recommendations it accepted on freedom of association during its previous review, even less the other it noted.[73] Alkarama noted that in 2014 Algeria had re-elected President Bouteflika in elections characterized by record low turnout and despite the President's pledge not to run for a fourth term. The opposition had denounced massive fraud.[74]

35. JS5 reported that freedom of association was governed by the 2012 Law on Association (Law 06-12 adopted in 2012), which required all organisations to reapply for registration and receive explicit authorisation from the Ministry of Interior before being able to operate legally. This Ministry had the power to refuse to register an organisation on vague and ambiguous grounds and without possibility of appeal. The Ministry of Interior could also dissolve registered organizations or suspend their activities if they had not obtained prior permission to receive foreign funding or if they conducted activities considered as an interference in the internal affairs of the country.[75]

36. FLD noted that 2014 was set as a deadline for all organizations to re-register under law 06-12. Authorities were required to issue a receipt acknowledging that the documents for registration had been submitted. FLD had received reports that authorities failed to

provide the receipt. In the absence of such receipt, organizations could not open a bank account or rent an office in their own name.[76] According to Alkarama, two thirds of the 93,000 associations officially registered in late 2011 by the Ministry of the Interior either had disappeared or had not applied for the renewal of their accreditation in 2015.[77]

37. The National Advisory Commission for the Promotion and Protection of Human Rights encouraged the Government to review Act No. 12-06 to respond better to the concerns of the non-governmental sector.[78] JS5 recommended that Algeria adopt the Best practices on freedom of peaceful assembly put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his 2012 annual report which call for simple notification rather than explicit permission to assemble; [79] remove all undue restrictions on the ability of civil society organizations to receive international and national funding; immediately reinstate all civil society organizations which have been arbitrarily sanctioned or deregistered; and guarantee the independent functioning of autonomous trade unions.[80] JS4 recommended that Algeria draft a new law on associations that was in line with international human rights law and that provided for a notification procedure rather than a requirement for prior authorization; a simple, non-discriminatory, swift and free procedure for the constitution of associations; and the right to create associations that promoted the rights of LGBT persons.[81]

38. JS1 indicated that despite the lifting of the state of emergency in 2011, demonstrations still required prior authorization, unauthorized demonstrations were considered illegal and demonstrators were at risk of prosecution.[82] AI indicated that authorities often responded to social and economic grievances by forcibly dispersing demonstrations and continued to arrest and prosecute peaceful activists demanding better working conditions and standards of living, as well as environmental activists protesting against the use of hydraulic fracturing for the extraction of shale gas. Moreover, demonstrations regularly held by families demanding truth about the fate of their relatives who were subjected to enforced disappearance during the 1990s are routinely dispersed.[83]

39. JS1 recommended that Algeria remove all legal and practical restrictions on the right to assemble and demonstrate peacefully and that it put an end to the police repression of demonstrations and the prosecution of peaceful demonstrators.[84]

40. Jubilee Campaign (JC)[85] and AI[86] noted that the Constitution identified Islam as the religion of the state (Article 2) and prohibited institutions from engaging in any behaviour incompatible with Islamic morality (Article 9). At the same time, the Constitution claimed to provide religious freedom and Ordinance 06-03 prohibited discrimination based on religion. However, JC considered that other contradictory laws, policies and practices restricted religious freedom for the non-Muslim minorities.[87] The Alliance Defending Freedom (ADF) considered that the Constitution did not guarantee the right to thought, conscience, and religion and that some of the Government's practices prevented people from practicing their faith freely. ADF reported that Christians and other religious minorities were often discriminated against through many sources, including Government practice, society at large, and Islamic extremism.[88]

41. For ADF Algeria should ensure that religious minorities can freely exercise their right to freedom of thought, conscience, and religion, in their worship, observance, practice, and teaching.[89]

42. JC stated that, according to leaders of various non-Muslim religious groups, the primary problem they faced was not direct interference with religious services but instead administrative and bureaucratic difficulties due to the Government's refusal to grant them legal standing.[90]

43. JC recommended that the Government provide its citizens with freedom of religion and belief as its Constitution assures; promote religious equality for all members of its population; register religious minority groups in a timely manner; and address specific factors that contribute to a climate of impunity, including the failure to investigate and prosecute crimes against religious minorities.[91] ADF recommended that the State protect religious minorities from persecution, in part by promoting interreligious dialogue.[92] JS3 recommended that Algeria amend article 144 bis (2) on blasphemy, in accordance with the right to freedom of expression.[93]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[94]

44. JS1 was of the view that the imposition of austerity measures since the fall in the price of oil in 2014 had led to the stifling of the social and trade union sectors, as seen in the current plans to reform the Labour Code. Those plans represented a step backwards for a number of rights and were not in line with international standards. The standard employment contract would henceforth be a fixed-term contract, an employment contract could be changed without the agreement of the employee, the definition of night work had changed to the disadvantage of workers and the right to strike was hampered by limitations.[95] JS1 recommended that the Government ensure that the planned reform of the Labour Code, including the provisions on the rights to strike, organize and bargain collectively and on social security and workers' health, were in line with the conventions of the International Labour Organization.[96] JS1 also recommended that Algeria take effective measures to combat discrimination against women in access to employment, remuneration and social protection and to protect women from workplace harassment.[97]

45. JS1 was of the view that Algeria had not acted on recommendation 129.108[98] from the previous review on the free establishment of autonomous trade unions and confederations. There were impediments to the registration of trade unions. Public officials did not issue proof of registration within a one-month period as required by law. In addition, the authorities interfered in the internal affairs of trade unions and "cloned" trade unions in order to choose the representatives they preferred. Many autonomous trade union members had been arbitrarily suspended or dismissed without possibility of effective remedy. Trade union activism was criminalized, and activists were regularly prosecuted.[99] JS1 recommended that Algeria guarantee in law and in practice the right to organize, including for migrant workers, that it stop harassing autonomous trade union members and reinstate trade union members who had been suspended or dismissed as a result of their union activities, that it ensure effective exercise of the right to strike and that it stop retaliating against striking workers.[100]

46. JS1 noted that informal labour still accounted for a major share of the labour market. In 2014, 5,972,000 workers of a total active population of 10,239,000 were covered by social security, whereas 4,267,000 were not. In 2012, approximately 3,890,000 people were employed in the informal economy, in particular in the retail, construction and manufacturing sectors.[101] JS1 recommended that Algeria take effective measures to combat informal labour, in particular by improving oversight of the most heavily affected sectors.[102]

Right to an adequate standard of living[103]

47. OCEANIA (OHR) recommended the Government that, when reporting for the next Cycle of the UPR, inform how it is doing on the implementation of the United Nations Sustainable Development Goals.[104]

Right to health[105]

48. The National Advisory Commission for the Promotion and Protection of Human Rights indicated that the exercise of the right to health faced a number of obstacles in connection with the epidemiological transition, the upgrade and maintenance of equipment and the development of infrastructure. Public health establishments provided free services to Algerian nationals and even to non-nationals. However, there were considerable differences in the realization of the right to health from one region of the country to another.[106]

Right to education[107]

49. The National Advisory Commission for the Promotion and Protection of Human Rights expressed the hope that in-service training of teachers and the expansion of high-quality education to include the entire country would lead to improved instruction.[108]

50. The Global Organizing for Optimal Dignity and Diplomacy (GG) recommended the Government to create a national action plan for human rights education in partnership with

students, teachers, college and university faculty;[109] and develop a national curriculum for elementary and high school so each student knows their rights as contained in the Convention on the Rights of the Child and the Universal Declaration of Human Rights that can be reported upon by the fourth cycle of the UPR.[110]

4. Rights of specific persons or groups

Women[111]

51. Regarding recommendations 129.26, 129.27, 129.29, 129.33-129.37, 129.39-129.41 and 129.44-129.49[112] accepted by Algeria during its last review, AI noted that, despite the enactment, since 2014, of a series of positive legal reforms, discrimination against women still existed both in law and practice.[113] AI regretted that Algeria did not have a law effectively criminalizing violence against women. The Penal Code made rape a crime, without defining it or recognizing marital rape. Even, a provision in the Penal Code allowed a rapist to escape prosecution by marrying the victim, if she was aged under 18. AI added that amendments to the Penal Code, adopted in December 2015, criminalized physical and psychological violence against a spouse as specific offences and broadened the current provisions on sexual harassment. However, the amendments still allowed spouses responsible for violence — unless causing permanent disability or death — to escape prosecution if the victim forgave him or her, and failed to introduce orders against offenders to protect victims from being pressured into withdrawing complaints.[114] JS4 regretted that article 336 of the Criminal Code, under which rape was considered to be a crime, did not address the different circumstances of rape in the case of lesbian, bisexual, transgender and queer women, who were often victims of corrective rape perpetrated by persons in their social or family circles.[115]

52. JS4 recommended that Algeria define spousal rape, in the law, as a separate criminal offence,[116] that it adopt a law to combat gender-based violence in cooperation with civil society and that it ensure that the victims of sexual violence, including LGBT women, had access to effective remedies.[117] HRW recommended Tunisia to adopt additional legislation enabling survivors of domestic violence to obtain protection orders from the police and from courts; and to support the development of specialized domestic violence units or district-level focal points in the police force in all regions.[118]

53. AI welcomed the enactment of Law 14-26 of 2014 aimed at providing financial compensation for the victims of sexual violence by armed groups during the internal conflict in the 1990s, when hundreds — if not thousands — of women were abducted and raped.[119]

54. AI recommended the Government to amend provisions in the Penal Code and Family Code that discriminate on the basis of gender; and adopt a comprehensive law to combat gender-based violence.[120]

55. JC indicated that the Family Code treated women as less than their male counterparts. Women were essentially considered minors who were under the legal guardianship of their husband or a male relative, regardless of the woman's age. Following revisions made to the Family Code in 2015, women no longer needed the permission of a male guardian to marry. However, it still prohibited Muslim women from marrying non-Muslim men unless the man converted to Islam. And, in divorce court rulings, followers of non-Muslim religions usually lost inheritance battles when a Muslim lays claimed to the same inheritance.[121] JS3 recommended that Algeria amend the Family Code so as to remove the distinction between Muslims and non-Muslims, in particular with regard to the right of an Algerian woman to marry a non-Muslim foreigner.[122]

Minorities and indigenous peoples[123]

56. *FLD reported on intimidation and targeting of human rights defenders working on ethnic, religious and sexual minorities, as well as indigenous rights, including defenders belonging to Mozabite and Kabyle groups.*[124] Indigenous recommended that the Government invite the Special Rapporteur on the Rights of Indigenous Peoples to visit Algeria before the end of her current mandate.[125]

Migrants, refugees and asylum seekers and internally displaced persons[126]

57. JS1 indicated that, according to official figures, more than 50,000 people had come to Algeria from various African countries in recent years. In addition, the number of refugees from the Middle East totalled around 40,000, of whom 3,000 were registered with the Office of the United Nations High Commissioner for Refugees.[127]

58. JS1 added that in the absence of an adequate legal framework for asylum, refugees lacked protection, as they were classed as persons in an irregular situation. Discriminatory practices targeting sub-Saharan migrants, the stigmatization of single mothers and migrants' irregular situation continued to be obstacles to health care. Access to education also remained very limited for migrants and asylum seekers. Migrants and asylum seekers were not guaranteed the right to work, creating a situation that exposed migrant workers to exploitation and human trafficking.[128]

59. JS1 noted that violence against migrants was on the rise in some regions.[129]

60. JS1 regretted that Algeria continued to carry out collective expulsions. In December 2014, the authorities had assembled hundreds of migrants and created records for them with a view to expelling them to a third country on the pretext that they were doing so at the request of that country's authorities. Those expulsions had led to inhuman and degrading treatment on the part of the authorities, which had used excessive force and done unnecessary material harm to the migrants.[130]

61. JS1 recommended that the Government adopt a legal framework for asylum in line with international conventions, that the United Nations High Commissioner for Refugees, and lawyers, interpreters and observers be given access to migrants and refugees throughout the country, that access to education and health care be guaranteed to all migrants and refugees, regardless of their legal status, that refugees and asylum seekers be guaranteed access to employment on the same conditions as Algerian nationals and that the situation of migrant workers be regularized.[131]

62. Recalling a recommendation accepted by Algeria in its previous UPR that supported self-determination for the Saharawi People,[132] JS2 regretted the continuing refusal of the Government to census the population of Tindouf camps and the absence of rule of law for that population. It added that, even though, Algeria used the term of "refugees" to ask for international humanitarian aid for the population in the Tindouf camps, it didn't acknowledge their status of refugee nor did recognize the rights stipulated in the Convention and the Protocol relating to the status of refugees.[133] JS2 recommended that Algeria expedite the establishing of the rule of law in all the regions that Algeria is accountable for, including the rural desert of the Southwest; acknowledge the status of refugee to the population of the Tindouf camps; and implement the related rights.[134]

63. Referring to the expulsion in 1975 of 45,000 families of nationals of a neighbouring country legally residing in Algeria, the Association des Marocains Victimes d'Expulsion Arbitraire d'Algérie (Association of Moroccan Victims of Arbitrary Expulsion from Algeria) regretted that the Finance Act of 2010 provided for the expropriation of those victims' real property, which had been deemed abandoned.[135] The Association also noted that in 2010 the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families had recommended that Algeria take all necessary measures to return the property of the migrants expelled in 1975 and to provide them with adequate compensation, a recommendation that Algeria had made no attempt to act on.[136] The Association recommended that the Government follow the recommendations made by the Committee in 2010, repeal the expropriation, provided for in the Finance Act of 2010, of the property of the arbitrarily expelled working nationals of a neighbouring country, ensure the admissibility and consideration of the appeals filed by those victims with the competent Algerian courts and clarify the fate of the nationals of the neighbouring country who had disappeared during the mass deportation in 1975.[137]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

ADF	Alliance Defending Freedom International, Geneva, Switzerland;
Alkarama	Alkarama Foundation, Geneva, Switzerland;
AI	Amnesty International, London, United Kingdom;
AMVEAA	Association des Marocains Victimes d'expulsion Arbitraire d'Algérie, Rabat, Morocco;
CNCPPDH	Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme, Algiers, Algeria;
FFF	Four Freedoms Forum Goshen, Indiana, USA;
FLD	Front Line Defenders, Dublin, Ireland;
GG	The Good (Global Organizing for Optimal Dignity & Diplomacy), Honolulu, Hawaii, USA;
HRW	Human Rights Watch, Geneva Switzerland;
INDIGENOUS	International Network for Diplomacy Indigenous Governance Engaging in Nonviolence Organizing for Understanding & Self-Determination, Kaneohe, Hawaii, United States of America;
JC	Jubilee Campaing USA, Fairfax, Virgina, USA;
OHR	OCEANIA Oceania Center for Ecology, Advocacy Non-violence Independence and Autonomy, Kailua, Hawaii, USA;
RSF	Reporters without Borders, Paris, France

Joint submissions

JS1	**Joint Submission 1 submitted by**: Collectif des familles des disparu(e)s en Algérie (CFDA), Ligue algérienne de défense des droits de l'Homme (LADDH), Réseau des avocats pour la défense des droits de l'Homme (RADDH), Rassemblement Actions Jeunesse (RAJ), Syndicat national autonome des personnels de l'administration publique (SNAPAP) avec la coordination d'EuroMed Droits et de l'Institut du Caire pour les droits de l'Homme (CIHRS), France;
JS2	**Joint Submission 2 submitted by**: the Sahara Observatory for Peace, Democracy and Human Rights (OSPDH) is submitting this parallel report to the Human Rights Council in coordination with Memory and Justice Association (MJA) , Human Rights Here and Now (HRHN) and the International Committee for the victims of the Polisario Organization (CIVOP), Laayoune, Western Sahara;
JS3	**Joint Submission 3 submitted by:** World Evangelical Alliance (WEA), L'Eglise protestante d'Algérie (EPA), the International Institute for Religious Freedom (IIRF), Aide aux Eglises dans le monde (AEM), Geneva, Switzerland;
JS4	**Joint Submission 4 submitted by**: Association Alouen, Algeria, and Mantiqitna, Brussels, Belgium;
JS5	**Joint Submission 5 submitted by**: CIVICUS, Johannesburg, South Africa and Ibn Khaldoun Center for Research and Maghrebi Studies, Brighton, UK.

[2] For relevant recommendations see A/HRC/21/13, paras. 129.1-9, 129.84, 85, 90.

[3] JS2, para. 5. See also AI, page 9, Alkarama para. 8, FLD, para. 32 (f) and JS1, para. 85.

[4] Alkarama para. 8. See also JS2, para. 8.

[5] FFF, page 3.

[6] Alkarama paras. 9-12. See also AI, page 8 and HRW, page 5.

[7] Alkarama para. 15.

[8] JS2, paras. 5 and 8. See also FLD, para. 32 (j) and JS1, para. 54.

[9] AI, page 9.

[10] HRW, page 5. See also AI, page 9 and JS1, para. 72.

[11] JS5, para. 6.5. See also FFF, page 3 and HRW, page 5.

[12] AI, page 2.

[13] HRW, page 5. See also AI, page 9 and JS1, para. 72.

[14] See document A/68/153 available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/153.
[15] CNCPPDH, pages 5-6.
[16] JS5, para. 6.6.
[17] For relevant recommendations see A/HRC/21/13, paras.129.22, 25, 50-52, 54, 55, 107.
[18] JS1, para. 73.
[19] CNCPPDH, page 3. See also AI, pages 2-3 and Alkarama para. 4.
[20] CNCPPDH, page 8.
[21] CNCPPDH, page 2.
[22] CNCPPDH, page 2. See also Alkarama paras. 6 and 8.
[23] For relevant recommendations see A/HRC/21/13, paras. 129.78.
[24] JS4, para. 1.5.
[25] FLD, para. 29.
[26] JS4, page 9.
[27] JS4, para. 2.1.
[28] JS4, page 9.
[29] JS4, para. 5.3.
[30] JS4, para. 5.6.
[31] JS4, para. 5.8.
[32] JS4, page 9.
[33] For relevant recommendations see A/HRC/21/13, paras.129.112.
[34] Alkarama para. 38.
[35] Alkarama para. 40.
[36] Alkarama para. 42. See also AI, page 9.
[37] AI, page 7.
[38] For relevant recommendations see A/HRC/21/13, paras.129.91-94, 102,103 and 105.
[39] AI, pages 2-3. See also Alkarama para. 16.
[40] AI, pages 7-8.
[41] AI, page 9.
[42] JS5, para. 6.4.
[43] JS2, paras. 3-4. See also AI, page 2.
[44] Alkarama para. 17.
[45] Alkarama para. 25.
[46] Alkarama para. 18.
[47] Alkarama para. 25.
[48] Alkarama para. 21.
[49] Alkarama para. 25. See also AI, page 2.
[50] For relevant recommendations see A/HRC/21/13, paras.129.52, 53 and 55.
[51] CNCPPDH, page 6.
[52] Alkarama para. 22.
[53] Alkarama para. 25.
[54] HRW, page 4. See also AI, page 6, Alkarama para. 23 and JS1, paras. 51-52.
[55] HRW, page 5. See also AI, page 9 and Alkarama para. 25. And JS1, paras. 89 and 90.
[56] For relevant recommendations see A/HRC/21/13, paras.129.11-15, 15-25, and 68-69.
[57] For the full text of the recommendations see A/HRC/21/13, recommendations 129.11 (France), 129.13 (Namibia), 129.16 (Slovakia), 129.20 Russian Federation, 129.21 (Switzerland).
[58] FLD, paras. 4-6. See also AI, page 4, Alkarama paras. 26-28, HRW, page 1, JS1, paras. 2-5 and JS5, para. 1.4.
[59] FLD, paras. 2-3. See also AI, page 1 and HRW, page 1.
[60] RSF, pages 1-2. See also AI, page 4, Alkarama paras. 30.36, FLD, paras. 20-26, HRW, page 3 and JS5, paras.4.2-4.6.
[61] FLD, para. 23.
[62] JS5, para. 4.1. For the full text of the recommendations see A/HRC/21/13, recommendations 129.11 (France), 129.13 (Namibia), 129.16 (Slovakia), 129.20 Russian Federation, 129.21 (Switzerland).
[63] JS5, para. 6.3. See also AI, page 8, Alkarama para. 37 and RSF pages 3-4.
[64] FLD, para. 32 (k).
[65] HRW, page 3. See also AI, page 8.
[66] JS5, paras. 3.1-3.3. See also JS1, para. 13.
[67] JS5, para. 6.3.
[68] FLD, para. 30.
[69] RSF, page 4.
[70] JS5, para. 2.5.
[71] JS5, para. 6.2. See also FLD, para. 32, JS1, para. 70 and JS4, page 10.

[72] JS5, para. 6.4.
[73] JS5, para. 2.1. For the full text of the recommendations see A/HRC/21/13, recommendations 129.11 (France), 129.13 (Namibia), 129.16 (Slovakia), 129.20 Russian Federation, 129.21 (Switzerland).
[74] Alkarama para. 2.
[75] JS5, para. 2.3. See also AI, page 5, JS1, paras. 6-9 and JS4, paras. 3.3.1-3.3.5.
[76] FLD, paras. 13-19.
[77] Alkarama para. 33.
[78] CNCPPDH, page 7. See also AI, page 8, FLD, paras. 32 (b and c), HRW, pages 2-3 and JS1, para. 68.
[79] JS5, para. 6.5.
[80] JS5, para. 6.1.
[81] JS4, page 9.
[82] JS1, para. 10. See also Alkarama para. 34, HRW, page 1, FLD, paras. 7-12, JS4, paras. 3.2.1-3.2.5 and JS5, paras. 5.3-5.4.
[83] AI, page 4.
[84] JS1, para. 69. See also AI, page 8, Alkarama para. 37, HRW, pages 1-2 and JS4, page 10.
[85] JC, paras. A.4-A.6. See also AI, page 4 and JS3, paras. 3-10.
[86] AI, page 4.
[87] JC, paras. A.4-A.6. See also JS3, paras. 3-10.
[88] ADF, paras. 27 and 16.
[89] ADF, para. 28.
[90] JC, para. A.9.
[91] JC, paras. C.1-C.3.
[92] ADF, para. 29.
[93] JS3, para. 14.
[94] For relevant recommendations see A/HRC/21/13, paras.129.8, 59 and 81.
[95] JS1, paras. 40-45.
[96] JS1, para. 82.
[97] JS1, para. 84.
[98] For the full text of the recommendations see A/HRC/21/13, recommendation 129.108 (Uruguay).
[99] JS1, paras. 34-39.
[100] JS1, paras. 79-81.
[101] JS1, para. 49.
[102] JS1, para. 83.
[103] For relevant recommendations see A/HRC/21/13, paras.129.62-64 and 81.
[104] OHR, page 3.
[105] For relevant recommendations see A/HRC/21/13, paras.129.70-72, 75-77 and 80-81.
[106] CNCPPDH, page 8.
[107] For relevant recommendations see A/HRC/21/13, paras.129.39, 57, 58, 60, 70, 73-81 and 106.
[108] CNCPPDH, pages 7-8.
[109] GG, page 2.
[110] GG, pages 2-3.
[111] For relevant recommendations see A/HRC/21/13, paras.129.26-49, 63, 83-85.
[112] For the full text of the recommendations see A/HRC/21/13, recommendations 129.26 (Chile), 129.27 (Uganda), 129.29 (Côte d'Ivoire), 129.33 (Egypt), 129.34 (Turkey), 129.35 (Pakistan), 129.36 (State of Palestine), 129.37 (Singapore), 129.39 (Thailand), 129.40 (Brazil), 129.41 (Uganda) and 129:44 (UAE), 129.45 (USA), 129.46 (Bahrain), 129.47 (Malaysia), 129.48 (Iran), 129.49 (Kuwait).
[113] AI, page 5. See also HRW, page 4.
[114] AI, page 5. See also JS4, para. 4.5.
[115] JS4, paras. 4.2-4.4.
[116] JS4, para. 4.8.
[117] JS4, page 9.
[118] HRW, page 4.
[119] JS4, paras. 4.2-4.4.
[120] AI, page 8.
[121] JC, para. A.7. See also AI, pages 5-6 and JS3, para. 12.
[122] JS3, para. 18. See also JC, para. C.4.
[123] For relevant recommendations see A/HRC/21/13, paras.129.110.
[124] FLD, para. 27.
[125] INDIGENOUS, page 3.
[126] For relevant recommendations see A/HRC/21/13, paras.129.9.
[127] JS1, para. 16.
[128] JS1, paras. 17-21. See also AI, page 7.
[129] JS1, para. 28.

[130] JS1, para. 29. See also AI, page 7.
[131] JS1, paras. 73-77. See also AI, page 9.
[132] For the full text of the recommendations see A/HRC/21/13, recommendation 129.110 (Namibia).
[133] JS2. paras. 9-15.
[134] JS2, para. 18.
[135] AMVEAA pages 2-3.
[136] AMVEAA page 4.
[137] AMVEAA page 5.